



The Journal OF THE *House of Representatives*

Number 22

Friday, April 28, 2006

The House was called to order by the Speaker at 9:00 a.m.

Prayer

The following prayer was offered by the Honorable Frank Peterman:

O holy and righteous God, we come before You praising Your name and thank You for this day. We thank You for Your goodness and Your mercy—for Your love. We thank You for keeping us, Lord, last night, as we slept, and we thank You for allowing us to awake again to a new morning, a new day with great opportunities, Lord, and a place where we can find new destinies, Lord, and dreams can be fulfilled in this new day.

Bless this Chamber, Lord. Bless every member here, bless their loved ones, their family members, their friends. And Lord, forgive us for all that we say and do to one another, Lord, that's not pleasing in Your eyesight. And make us better people this day than we were yesterday. Bless, now, in this place. We love You. We praise Your holy and righteous name. Lord, we ask this prayer in the name of Jesus. Amen.

The following members were recorded present:

Session Vote Sequence: 978

Speaker Bense in the Chair.

Adams	Davis, M.	Holloway	Porth
Altman	Dean	Homan	Proctor
Ambler	Detert	Hukill	Quinones
Anderson	Domino	Jennings	Reagan
Antone	Evers	Johnson	Rice
Attkisson	Farkas	Jordan	Richardson
Ausley	Fields	Joyner	Rivera
Barreiro	Flores	Justice	Robaina
Bendross-Mindingall	Galvano	Kottkamp	Roberson
Bense	Gannon	Kravitz	Rubio
Benson	Garcia	Kyle	Russell
Berfield	Gardiner	Legg	Ryan
Bogdanoff	Gelber	Littlefield	Sands
Bowen	Gibson, A.	Llorente	Sansom
Brandenburg	Gibson, H.	Lopez-Cantera	Seiler
Brummer	Glorioso	Machek	Simmons
Brutus	Goldstein	Mahon	Slosberg
Bucher	Goodlette	McInvale	Smith
Bullard	Gottlieb	Mealor	Sobel
Cannon	Grant	Murzin	Stansel
Carroll	Greenstein	Needelman	Stargel
Clarke	Grimsley	Negron	Taylor
Coley	Harrell	Patterson	Traviesa
Cretul	Hasner	Peterman	Vana
Culp	Hays	Planas	Waters
Cusack	Henriquez	Poppell	Williams

(A list of excused members appears at the end of the *Journal*.)

A quorum was present.

Pledge

The members, led by the following, pledged allegiance to the Flag: Samantha Stagray of Boca Raton at the invitation of Rep. Machek; Deanna Susser of Hollywood at the invitation of Rep. Sobel; Taylor Webb of Crawfordville at the invitation of Rep. Richardson; and Kathryn Westmark of Tallahassee at the invitation of the Speaker pro tempore.

House Physician

The Speaker presented the Honorable Frank Farkas, who served as Doctor of the Day.

Correction of the *Journal*

The *Journal* of April 27 was corrected and approved as corrected.

Reports of Councils and Standing Committees

Reports of the Rules & Calendar Council

The Honorable Allan G. Bense April 26, 2006
Speaker, House of Representatives

Dear Mr. Speaker:

Your Rules & Calendar Council herewith submits the Special Order for Friday, April 28, 2006. Consideration of the House bills on Special Orders shall include the Senate Companion measures on the House Calendar.

I. Consideration of the following bills:

HB 1347 CS - Williams, Clarke, & others
Land Management

HB 1283 CS - Attkisson, Benson, & others
Innovation Incentives

HB 1285 CS - Attkisson
Public Records Exemptions

HB 1467 CS - Grant, Carroll, & others
Capital Formation

- HB 1469 CS - Grant, Williams
Public Records
- HB 431 CS - Littlefield, Murzin
Electric Transmission and Distribution
- HB 261 - Stansel, Kendrick, & others
Florida Incentive-based Permitting Act
- HB 1169 - Galvano, Grant, & others
Vehicular Accidents Involving Death or Personal Injuries
- HB 1365 CS - Davis, M., Bucher, & others
Florida KidCare Program
- HB 7167 CS - Growth Management Committee, Johnson
Growth Management
- HB 7235 CS - Judiciary Appropriations Committee, Kottkamp
Continuing Implementation of Constitutional Revision 7 to Article V
- HB 1483 CS - Attkisson
Grove Community District, Okeechobee County
- HB 1271 CS - Cannon
Division of Alcoholic Beverages and Tobacco
- HB 1115 CS - Greenstein
South Florida Regional Transportation Authority
- HB 1117 CS - Greenstein
Public Records
- HB 1319 CS - Goldstein
Swimming Pools
- HB 1589 CS - Smith, Bullard, & others
Specialty License Plates
- HB 1509 CS - Proctor
Flagler Estates Road and Water Control District, St. Johns County
- HB 1527 CS - Stargel, Arza
Parental Notification of Termination of a Minor's Pregnancy
- HB 1465 CS - Altman, Harrell, & others
Speed Limit Enforcement on State Roads
- HB 65 CS - Porth, Fields, & others
Foreclosure Proceedings
- HB 161 CS - Domino, Flores, & others
Building Assessment and Remediation
- HB 471 CS - Troutman, Baxley, & others
Fish and Wildlife
- HB 675 CS - Pickens
Sale or Lease of a County, District, or Municipal Hospital
- HB 827 CS - Planas
Pretrial Release
- HB 801 CS - Patterson, Baxley, & others
Florida Ready to Work Certification Program
- HB 1297 CS - Poppell
Town of Grant-Valkaria, Brevard County
- HB 1199 CS - Traviesa, Ambler, & others
Statewide Cable Television Franchises
- HB 1093 CS - Altman, Homan, & others
Physicians
- HB 1579 CS - Reagan
Sarasota Manatee Airport Authority
- HB 1559 CS - Poppell
Brevard County
- HB 7215 CS - Health Care Regulation Committee, Garcia, & others
Rural Health Care
- HB 1629 CS - Jennings
Gainesville-Alachua County Regional Airport Authority
- HB 1563 CS - Kendrick, Baxley, & others
Public Records
- HB 1341 - Joyner, Seiler
Fiduciary Lawyer-Client Privilege
- HB 527 CS - Gibson, H., Anderson, & others
Suicide Prevention
- HB 483 CS - Garcia, Ambler, & others
Nursing Services
- HB 959 CS - Roberson
Motor Vehicle Safety Pilot Program
- HB 819 CS - Grant, Hukill
Radiologist Assistants
- HB 1291 CS - Poppell, Joyner
Weapons
- HB 1619 CS - Murzin
District School Boards
- HB 1239 CS - Detert, Bucher, & others
Inappropriate or Excessively Harsh Corporal Discipline
- HB 873 CS - Brandenburg, Patterson
Building Designations
- HB 775 CS - Roberson, Kendrick
Psychology Specialties
- HB 591 CS - Ambler, Porth, & others
Criminal Justice
- HB 493 CS - Ryan
Ethics for Public Officers and Employees
- HB 217 CS - Legg, Anderson, & others
Sinkhole Insurance
- HB 457 CS - Sands, Bullard, & others
Guardianship
- HB 459 - Sands
Public Records
- HB 841 CS - Attkisson, Stargel
Supersedeas Bond
- HB 771 CS - Carroll
Cosmetology
- HB 7079 CS - Transportation Committee, Evers, & others
Department of Highway Safety and Motor Vehicles

HB 7253 CS - Growth Management Committee, Johnson
Growth Management

HB 7217 CS - Future of Florida's Families Committee, Galvano
Child Support

HB 999 CS - Adams, Attkisson
Suicide Prevention

HB 241 CS - Vana, Bucher, & others
Florida KidCare Program

HB 7117 CS - Criminal Justice Committee, Kravitz, & others
Sexual Predators and Offenders

HB 7173 CS - Future of Florida's Families Committee,
Galvano, & others
Welfare of Children

HB 987 CS - Gottlieb, Davis, M.
Tax on Sales, Use, and Other Transactions

HB 221 CS - Richardson, Brutus, & others
Paternity

HB 335 CS - Culp, Needelman
Juvenile Justice

A quorum was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,
J. Dudley Goodlette, Chair
Rules & Calendar Council

On motion by Rep. Goodlette, the House agreed to amend today's Special Order Calendar by adding HB 5029, HB 1165, HB 1037, and HB 173 after HB 7235.

On motion by Rep. Goodlette, the above report was adopted as amended.

On motion by Rep. Goodlette, the rules were waived and the House moved to the order of—

Special Orders

HB 1347—A bill to be entitled An act relating to land management; creating s. 259.1053, F.S.; creating the Babcock Ranch Preserve Act; providing purposes for which the preserve is established; providing definitions; creating Babcock Ranch, Inc., a not-for-profit corporation incorporated in the state; providing that the corporation is subject to the provisions of chs. 119 and 286, F.S., requiring public records and meetings; providing for the corporation to be governed by the Babcock Trustees; providing for the appointment of trustees and terms of office; prohibiting a trustee from voting on any measure that constitutes a conflict of interest; providing for the trustees to serve without compensation but to receive per diem and travel expenses; requiring that each trustee obtain a surety bond of a specified amount; authorizing the trustees to appoint officers and hire employees; authorizing state agencies to provide state employees for purposes of administering the Babcock Ranch Preserve; providing certain powers and duties of the trustees; providing for the corporation to establish and manage an operating fund; requiring an annual financial audit of the accounts and records of the corporation; requiring annual reports by the corporation to the Board of Trustees of the Internal Improvement Trust Fund, the Legislature, the Department of Agriculture and Consumer Services, and the Fish and Wildlife Conservation Commission; requiring that the corporation prepare an annual budget; specifying a goal of self-sustaining operation within a certain period; providing for the corporation to retain donations and other moneys; authorizing the corporation to sue and be

subject to suit; requiring that the corporation adopt articles of incorporation and bylaws; requiring insurance; providing for the exclusive use of a certain title; authorizing the corporation to appoint advisory committees; providing requirements for a comprehensive management plan; specifying the procedures by which the corporation shall assume management authority of the Babcock Ranch Preserve; prohibiting the corporation from taking certain actions without the consent of the Board of Trustees of the Internal Improvement Trust Fund; requiring that the corporation be subject to certain state laws and rules governing the procurement of commodities and services; authorizing the corporation to assess fees; providing for reversion of the management responsibilities to certain agencies upon the dissolution of the corporation; providing for management of the Babcock Ranch Preserve until expiration of a current management agreement; providing an effective date.

The State Resources Council recommended the following:

HB 1347 CS—A bill to be entitled An act relating to land management; creating s. 259.106, F.S.; creating the Babcock Ranch Preserve Act; providing definitions; creating the Babcock Ranch Preserve, a conservation acquisition with certain goals; creating Babcock Ranch, Inc., a not-for-profit corporation to be incorporated in the state; providing that the corporation shall act as an instrumentality of the state for purposes of sovereign immunity under s. 768.28, F.S.; providing that the corporation shall not be an agency under s. 20.03, F.S., or a unit or entity of state government; providing that the corporation is subject to the provisions of chs. 119 and 286, F.S., relating to public records and meetings; requiring public records and meetings; providing for the corporation to be governed by a board of directors; providing for the qualifications, appointment, removal, and liability of board members and their terms of office; prohibiting any board member from voting on any measure that constitutes a conflict of interest; providing for the board members to serve without compensation, but to receive per diem and travel expenses; providing for organization and meetings; authorizing state agencies to provide state employees for purposes of implementing the Babcock Ranch Preserve; providing certain powers and duties of the corporation; providing limitations on the powers and duties of the corporation; providing that the corporation and its subsidiaries must provide equal employment opportunities; providing for the corporation to establish and manage an operating fund; requiring an annual financial audit of the accounts and records of the corporation; requiring annual reports by the corporation to the Board of Trustees of the Internal Improvement Trust Fund, the Legislature, the Department of Agriculture and Consumer Services, and the Fish and Wildlife Conservation Commission; requiring that the corporation prepare an annual budget; specifying a goal of financially self-sustaining operation within a certain period; providing for the corporation to retain donations and other moneys; requiring that the corporation adopt articles of incorporation and bylaws subject to the approval of the Board of Trustees of the Internal Improvement Trust Fund; authorizing the corporation to appoint advisory committees; providing requirements for a comprehensive business plan; specifying the procedures by which the corporation shall assume the management and operation of the Babcock Ranch Preserve; prohibiting the corporation from taking certain actions without the consent of the Board of Trustees of the Internal Improvement Trust Fund; requiring that the corporation be subject to certain state laws and rules governing the procurement of commodities and services; authorizing the corporation to assess reasonable fees; providing for management of the Babcock Ranch Preserve until expiration of a current management agreement; providing for reversion of the management and operation responsibilities to certain agencies upon the dissolution of the corporation; providing that the corporation may be dissolved only by an act of the Legislature; providing for reversion of funds upon the dissolution of the corporation; providing for an appropriation subject to specified conditions; providing an effective date.

—was read the second time by title.

Representative(s) Williams offered the following:

(Amendment Bar Code: 123435)

Amendment 1—Remove line(s) 155-159 and insert:
renewable surface resources, considering historical agricultural uses of the property and other compatible agricultural uses of the property.

Rep. Williams moved the adoption of the amendment, which was adopted.

Representative(s) Gelber offered the following:

(Amendment Bar Code: 001439)

Amendment 2 (with title amendment)—Between lines 212 and 213 insert:

(i) Until such time as the Babcock Ranch Preserve is open to the general public for hunting, fishing, and other recreational activities, no state legislator or Cabinet officer shall be allowed to hunt, fish, or engage in other recreational activities upon the property. The board of directors shall enact policies to enforce this provision.

===== TITLE AMENDMENT =====

Remove line 10 and insert:

conservation acquisition with certain goals; prohibiting legislators and Cabinet officers from engaging in certain recreational activities on the preserve for a certain time period; requiring the board of directors to enact and enforce certain provisions; creating

Rep. Gelber moved the adoption of the amendment. Subsequently, **Amendment 2** was withdrawn.

Representative(s) Williams offered the following:

(Amendment Bar Code: 538767)

Amendment 3—Between lines 583 and 584 insert:

(e) The comprehensive business plan for the preserve shall be consistent with the management practices taking place on the Babcock Crescent B Ranch prior to the state taking title to the land.

(f) To achieve the goal of a financially self-sustaining operation, the comprehensive business plan must preserve to the maximum extent practicable environmental resources and wildlife habitats found on the preserve.

Rep. Williams moved the adoption of the amendment, which was adopted.

Representative(s) Williams offered the following:

(Amendment Bar Code: 411857)

Amendment 4—Remove lines 683-687 and insert:
purchase agreement.

Rep. Williams moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Attkisson, consideration of **HB 1283** was temporarily postponed.

HB 1285—A bill to be entitled An act relating to public records exemptions; amending s. 288.1067, F.S.; expanding the public records exemption for incentive programs to include the Innovation Incentive Program under s. 288.1089, F.S.; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

The Governmental Operations Committee recommended the following:

HB 1285 CS—A bill to be entitled An act relating to public records exemptions; amending s. 288.1067, F.S.; expanding the public records exemption for incentive programs to include the Innovation Incentive

Program under s. 288.1089, F.S.; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1467—A bill to be entitled An act relating to capital formation; creating a new pt. X of ch. 288, F.S.; providing a short title; providing legislative findings and intent; providing definitions; creating the Florida Capital Investment Trust as a state beneficiary public trust; providing for administration by a board of trustees; providing for appointment of board members; providing for terms; providing for serving without compensation; providing for travel and other direct expenses; providing criteria for trustees; providing for powers and duties of trustees; providing for hiring employees; providing for meetings of the board; authorizing the trust to receive, hold, use, transfer, and sell certain tax credits for certain purposes; providing requirements and limitations; authorizing the Department of Revenue to adopt rules for certain purposes; requiring Enterprise Florida, Inc., to facilitate establishment of the Florida Opportunity Fund Management Corporation; specifying criteria of the corporation; providing for appointment of a board of directors selection committee; providing for selection of a board of directors of the corporation by Enterprise Florida, Inc.; specifying criteria; providing for terms and requirements of directors; providing purposes of the corporation; providing duties and responsibilities of the corporation; authorizing the corporation to charge a management fee for certain purposes; providing for travel and other direct expenses; providing for powers of the corporation; creating the Florida Opportunity Fund as a for-profit, limited partnership or a limited liability corporation to be organized and incorporated by the Florida Opportunity Fund Management Corporation; authorizing certain entities to contract with Enterprise Florida, Inc., for certain purposes; providing investment requirements for the fund; requiring the board of trustees to issue annual reports on activities of the fund; providing report requirements; amending s. 213.053, F.S.; authorizing the Department of Revenue to provide certain tax credit information to the board of trustees; amending s. 220.02, F.S.; including tax credits transferred or sold by the board of trustees within the priority list of applied credits against certain taxes; amending s. 624.509, F.S.; including tax credits transferred or sold by the board of trustees within the order of taking credits or deductions against the insurance premium tax; providing an appropriation; providing an effective date.

The Transportation & Economic Development Appropriations Committee recommended the following:

HB 1467 CS—A bill to be entitled An act relating to capital formation; creating s. 288.9621, F.S.; providing a short title; providing definitions; requiring the Office of Tourism, Trade, and Economic Development to account for certain moneys separately within the Economic Development Trust Fund; requiring the office to make certain funds available for investment by the State Board of Administration; providing for deducting certain fees and expenses; requiring the State Board of Administration to liquidate investments and advance proceeds to the Florida Opportunity Fund for certain purposes; providing investment requirements for the State Board of Administration; providing operational requirements for the Florida Opportunity Fund; requiring Enterprise Florida, Inc., to organize the Florida Opportunity Fund as a wholly owned private, not-for-profit limited liability Florida-based company; requiring Enterprise Florida, Inc., to annually evaluate the company and report to the Governor and Legislature; providing for a board of directors for the company; providing for appointment and terms of board members; providing requirements and limitations for board members; requiring board members to serve without compensation; providing for reimbursement of expenses of board members and company officers and employees; specifying powers of the company; authorizing the company to indemnify board members; specifying a fiduciary duty of board members and company officers and employees; subjecting the company to public meetings and public records requirements; specifying duties of the company; requiring the company to select a Florida Opportunity Fund allocation manager;

specifying duties and requirements of the allocation manager; requiring the company to guarantee private capital investments in the company; providing requirements for such guarantees; specifying investment requirements for the company; specifying investment limitations and prohibitions for the company; requiring the company to issue an annual report to the Governor and the Legislature; specifying report requirements; providing for an independent audit; providing for a transfer of nonrecurring funds in the General Revenue Fund to the Economic Development Trust Fund for subsequent investment in the Florida Opportunity Fund; providing for retention of balances in the trust fund each year; providing for continuing appropriation and use of such moneys for a certain time period; providing for return of certain funds to the General Revenue Fund; requiring the company to continue administering investments for certain purposes; providing for continuous reinvestment of certain funds by the company; providing for reversion of assets and funds of the company to the General Revenue Fund under certain circumstances; prohibiting Enterprise Florida, Inc., from selling or transferring ownership of the company; providing an effective date.

—was read the second time by title.

Representative(s) Grant offered the following:

(Amendment Bar Code: 885023)

Amendment 1—Remove line(s) 233 and 234 and insert:

(2) For the 2006-2007 fiscal year, the sum of \$15 million is appropriated from nonrecurring moneys in the General Revenue

Rep. Grant moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 1469—A bill to be entitled An act relating to public records; creating s. 288.96275, F.S.; providing an exemption from public records requirements for information held by the Florida Opportunity Fund and the Florida Opportunity Fund Management Corporation that is a trade secret; providing an exemption from public records requirements for tax identification numbers, social security numbers, analyses of gross receipts, amount of taxes paid, amount of capital investment, amount of employee wages paid, and detailed documentation to substantiate such performance information included in portfolio data pertaining to specific companies within the portfolios of venture capital funds receiving investment from the Florida Opportunity Fund; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

The Governmental Operations Committee recommended the following:

HB 1469 CS—A bill to be entitled An act relating to public records; creating s. 288.9623, F.S.; providing definitions; defining "proprietary confidential business information" and specifying information which does not constitute proprietary confidential business information; creating an exemption from public records requirements for proprietary confidential business information held by the Florida Opportunity Fund regarding alternative investments; providing for limited duration of the exemption; authorizing the inspection and copying of confidential and exempt records if the proprietor of the information fails to verify that a record contains certain information within a specified period of time; authorizing a court to order the release of confidential and exempt records upon making certain findings; providing for future review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Representative(s) Grant offered the following:

(Amendment Bar Code: 815665)

Amendment 1—Remove line 31 and insert:

(1) As used in this section, the term:

Rep. Grant moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 431—A bill to be entitled An act relating to local government land development regulation; creating s. 163.3206, F.S.; providing legislative intent; providing that electrical substations shall be considered a permissible use in all land use categories and zoning districts; creating s. 163.3208, F.S.; prohibiting a local government from requiring permits or other approvals for vegetation management and tree trimming within an established electric power line right-of-way; providing an effective date.

The Commerce Council recommended the following:

HB 431 CS—A bill to be entitled An act relating to electric transmission and distribution; creating s. 163.3208, F.S.; providing legislative intent; defining the term "distribution electric substation"; providing criteria for adoption and enforcement by a local government of land development regulations for new electric substations; providing that new distribution electric substations are a permitted use in all land use categories and zoning districts within a utility's service territory; providing for exceptions; providing standards which apply if a local government does not adopt reasonable standards for substation siting; providing for approval of an application for development of a proposed distribution electric substation when the application demonstrates that the design is consistent with the local government's applicable standards; providing alternative procedures for site approval; providing for application of certain local siting standards to applications received after public notice of the adoption hearing on those standards; providing a timeframe and procedures for a local government to approve or deny an application for a permit to locate a new distribution electric substation within any of the local government's land use categories or zoning districts; providing that the application is deemed approved if not acted on within the timeframe; providing for waiver of timeframes; authorizing the local government to establish timeframes for certain required information to be furnished; creating s. 163.3209, F.S.; prohibiting local governments from requiring any permits or approvals for certain vegetation maintenance in an established electric transmission or distribution line right-of-way; defining the term "vegetation maintenance and tree pruning or trimming"; providing for a utility to give notice to the local government before conducting such vegetation-maintenance activities; providing for exceptions; requiring the utility to provide its vegetation-maintenance plan to the local government and discuss it with the local government; specifying standards for vegetation maintenance and tree pruning or trimming conducted by utilities; providing for supervision of vegetation maintenance and tree pruning or trimming activities; limiting the height and clearance distance of vegetation that may be required by a local government in an established right-of-way of certain lines; providing for application and construction with respect to local franchise authority and ordinances or regulations governing planting, pruning, trimming, or removal of certain trees; providing for application when a local government adopts a described plan for vegetation maintenance, tree pruning, tree removal, and tree trimming within established rights-of-way; providing that vegetation maintenance costs be considered recoverable; creating s. 186.0201, F.S.; requiring electric utilities to notify the regional planning council of plans to site electric substations; providing for content of the notification; requiring that the information be included in the regional planning council's annual report and supplied to local governments under certain conditions; amending s. 186.513, F.S.; correcting a reference to a specified agency; providing for application to the Florida Electrical Power Plant Siting Act; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 261—A bill to be entitled An act relating to the Florida Incentive-based Permitting Act; creating s. 403.0874, F.S.; providing a short title; providing legislative findings; providing purposes; providing definitions; providing for an Incentive-based Permitting Program; providing compliance incentives for certain environmental permitting activities; providing

requirements and limitations; providing for administration by the Department of Environmental Protection; requiring the department to adopt certain rules; amending ss. 161.041, 373.219, and 373.413, F.S.; specifying application of Incentive-based Permitting Program provisions; amending s. 403.087, F.S.; revising criteria for department permit issuance to conform; providing an effective date.

—was read the second time by title.

Representative(s) Stansel offered the following:

(Amendment Bar Code: 546769)

Amendment 1 (with title amendment)—Remove everything after the enacting clause, and insert:

Section 1. Section 403.0874, Florida Statutes, is created to read:

403.0874 Incentive-based Permitting Program.--

(1) SHORT TITLE.--This section may be cited as the "Florida Incentive-based Permitting Act."

(2) LEGISLATIVE FINDINGS; PUBLIC PURPOSE.--

(a) The Legislature finds and declares that a permit applicant's history of compliance with applicable permit conditions and requirements and the environmental laws of this state is a factor that should be considered by the agency when the agency is considering whether to issue a new permit or reissue a permit to an applicant, based upon compliance incentives under this section.

(b) Permit applicants with a history of compliance with applicable permit conditions and requirements and the environmental laws of this state should be eligible for new permits at a new site, longer duration permits, expedited permit reviews, short-form permit renewals, and other incentives to reward and encourage such applicants.

(c) The agency is encouraged to work with permittees and permit applicants to encourage compliance and avoid burdensome and expensive consequences of noncompliance.

(d) It is therefore declared to be the purpose of this section to provide the agency with clear and specific authority to consider the compliance history of a permit applicant who has applied for an incentive-based permit.

(3) DEFINITIONS.--For purposes of this section:

(a) "Agency" means the Department of Environmental Protection.

(b) "Applicant" means the proposed permittee or transferee, owner, or operator of a regulated activity seeking an agency permit.

(c) "Environmental laws" means any state or federal law that regulates activities for the purpose of protecting the environment, or for the purpose of protecting the public health from pollution or contaminants, but does not include any law that regulates activities for the purpose of zoning, growth management, or land use. The term includes, but is not limited to, chapter 161, part IV of chapter 373, and chapter 403.

(d) "Regulated activity" means any activity, including, but not limited to, the construction or operation of a facility, installation, system, or project, for which a permit or certification is required by law.

(e) "Site" means a single parcel, or multiple contiguous or adjacent parcels, of land on which the applicant proposes to conduct, or has conducted, a regulated activity.

(4) COMPLIANCE INCENTIVES.--In order to obtain compliance incentives, the applicant must affirmatively request such incentives as part of the permit application. Unless otherwise prohibited by state or federal law, agency rule, or federal regulation, and provided the applicant meets all other applicable criteria for the issuance of a permit, any applicant who meets the criteria set forth in this subsection is entitled to the following incentives:

(a) Level 1 incentives criteria; application for a new permit; rulemaking.--

1. An applicant shall be entitled to incentives if the activity is a new regulated activity and the applicant conducted a similar regulated activity under an agency permit for at least 4 of the 5 years at a different sit in this state preceding submittal of the permit application. However, an applicant shall not be entitled to incentives under this paragraph if the applicant has a relevant compliance history for a similar regulated activity that includes any violation that resulted in enforcement action. If the applicant has alleged

violations at a different site that may result in enforcement action and the alleged violations may result in the potential for harm to human health or the environment, the applicant shall not be entitled to incentives under this paragraph. However, when pending alleged violations that eliminate an applicant from receiving incentives under this paragraph are disposed of and the applicant was found not to have committed the alleged violation, incentives shall be available to the applicant. Alleged minor violations shall not be considered under this paragraph.

2. Level 1 incentives shall include:

a. Expedited permit review.--The processing time following receipt of a completed application shall be 60 days for the issuance of the agency action.

b. Extended permits.--Permits may be extended for:

(I) Seven years, provided the applicant has conducted a similar regulated activity at a site for 4 of the last 5 years; or

(II) Ten years, provided the applicant has conducted a similar regulated activity at a site for the last 5 years.

3. Within 6 months after the effective date of this section, the agency shall initiate rulemaking to implement Level 1 incentives. The rule shall specify what incentives will be made available, how applicants may qualify for incentives, and how extended permits may be transferred. Until an implementing rule is adopted, Level 1 incentives shall not be available to permit applicants under this section.

(b) Level 2 incentives criteria; application for permit renewal; rulemaking.--

1. An applicant for a renewal of a permit shall be entitled to incentives pursuant to this paragraph if the applicant conducted a regulated activity at the site in this state for at least 4 of the last 5 years preceding submittal of an application for renewal. An applicant shall not be entitled to incentives under this paragraph if the applicant has a relevant compliance history at the site that includes any violation that resulted in enforcement action. If the applicant has alleged violations at the site that may result in enforcement action and the alleged violations may result in the potential for harm to human health or the environment, the applicant shall not be entitled to incentives under this paragraph. However, when pending alleged violations that eliminate an applicant from receiving incentives under this paragraph are disposed of and the applicant was found not to have committed the alleged violation, incentives shall be available to the applicant. Alleged minor violations shall not be considered under this paragraph. In addition, an applicant for the renewal of a permit shall be entitled to incentives pursuant to this paragraph if the applicant takes any other actions not otherwise required by law that at the site result in:

a. Beneficial reductions in actual or permitted discharges or emissions;

b. Beneficial reductions in the impacts of regulated activities on public lands or natural resources;

c. Beneficial waste reduction or the reuse of waste generated at the site;

d. Implementation of a voluntary environmental management system; or

e. Other similar actions as determined by agency rule.

2. Level 2 incentives shall include:

a. Ten-year permits, provided the applicant has conducted a regulated activity at the site for at least 5 years.

b. Fewer routine inspections than other regulated activities similarly situated.

c. Short form renewals of permits not involving substantial modifications which may be made upon a shortened application form specifying only the changes in the regulated activity or a certification by the applicant that no changes in the regulated activity are proposed if that is the case. Applicants for short form renewals shall complete and submit the prescribed compliance form with the application and shall remain subject to the compliance history review of this section. All other procedure requirements for renewal applications apply. This provision shall supplement any expedited review process provided by agency rules.

d. Expedited review of requests for permit modifications.

e. Agency recognition, program-specific incentives, or certifications in lieu of renewal permits.

f. No more than two requests for additional information.

3. Within 6 months after the effective date of this section, the agency shall initiate rulemaking to implement Level 2 incentives. The rule shall specify

what incentives will be made available, how applicants may qualify for incentives, and how extended permits may be transferred. Until an implementing rule is adopted, Level 2 incentives shall not be available to permit applicants under this section.

Section 2. Subsection (5) is added to section 161.041, Florida Statutes, to read:

161.041 Permits required.--

(5) The Incentive-based Permitting Program provisions of s. 403.0874 shall apply to all permits issued under this chapter.

Section 3. Subsection (6) is added to section 373.413, Florida Statutes, to read:

373.413 Permits for construction or alteration.--

(6) The Incentive-based Permitting Program provisions of s. 403.0874 shall apply to permits issued under this section.

Section 4. Subsection (7) of section 403.087, Florida Statutes, is amended to read:

403.087 Permits; general issuance; denial; revocation; prohibition; penalty.--

(7) A permit issued pursuant to this section shall not become a vested right in the permittee. The department may revoke any permit issued by it if it finds that the permit holder:

(a) Has submitted material false or inaccurate information in the his or her application for such permit;

(b) Has violated law, department orders, rules, or regulations, or permit conditions directly related to such permit;

(c) Has failed to submit operational reports or other information required by department rule or regulation directly related to such permit; or

(d) Has refused lawful inspection under s. 403.091 at the facility authorized by such permit.

Section 5. This act shall take effect upon becoming a law.

===== T I T L E A M E N D M E N T =====

Remove the entire title, and insert:

A bill to be entitled

An act relating to the Florida Incentive-based Permitting Act; creating s. 403.0874, F.S.; providing a short title; providing legislative findings; providing purposes; providing definitions; providing for an Incentive-based Permitting Program; providing compliance incentives for certain environmental permitting activities; providing requirements and limitations; providing for administration by the Department of Environmental Protection; requiring the department to adopt certain rules; amending ss. 161.041 and 373.413, F.S.; specifying application of Incentive-based Permitting Program provisions; amending s. 403.087, F.S.; revising criteria for department permit issuance to conform; providing an effective date.

Rep. Stansel moved the adoption of the amendment.

Representative(s) Stansel offered the following:

(Amendment Bar Code: 788151)

Amendment 1 to Amendment 1—Remove line(s) 36 and insert: an agency permit. However, the term "applicant" does not include a subsidiary of or an affiliate of an entity with a history of noncompliance for any regulated activity.

Rep. Stansel moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Stansel offered the following:

(Amendment Bar Code: 676033)

Amendment 2 to Amendment 1—Remove line 64 and insert: 4 of the 5 years at a different site in this state preceding

Rep. Stansel moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Stansel offered the following:

(Amendment Bar Code: 217835)

Amendment 3 to Amendment 1—Remove line(s) 81 and insert: receipt of a completed application shall be 75 days for the

Rep. Stansel moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Stansel offered the following:

(Amendment Bar Code: 400727)

Amendment 4 to Amendment 1—Remove line(s) 83-88 and insert:

b. Extended permits.--Permits may be extended for 7 years, provided the applicant has conducted a similar regulated activity at a site for 4 of the last 5 years.

Rep. Stansel moved the adoption of the amendment to the amendment, which was adopted.

Representative(s) Stansel offered the following:

(Amendment Bar Code: 701029)

Amendment 5 to Amendment 1 (with directory and title amendments)—Between lines 184 and 185, insert:

(10) The Incentive-based Permitting Program provisions of s. 403.0874 shall apply to permits issued under this chapter.

===== D I R E C T O R Y A M E N D M E N T =====

Remove line 168 and insert:

Statutes, is amended, and subsection (10) is added to that section, to read:

===== T I T L E A M E N D M E N T =====

Remove line 203 and insert:

issuance to conform; specifying application of Incentive-based Permitting Program provisions to certain permits; providing an effective date.

Rep. Stansel moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 1169—A bill to be entitled An act relating to vehicular accidents involving death or personal injuries; providing a short title; amending s. 316.027, F.S.; requiring a court to sentence a driver of a vehicle to a minimum term of imprisonment if the person is driving under the influence and leaves the scene of a crash that results in death; requiring a court to order the driver of a vehicle to make restitution to the victim for any damage or loss if a driver leaves the scene of an accident that results in injury or death; requiring a court to make the payment of restitution a condition of probation; providing that an order requiring the defendant to make restitution to a victim does not remove or diminish the requirement that the court order payment to the Crimes Compensation Trust Fund; amending s. 316.193, F.S.; requiring that a person convicted of DUI manslaughter be sentenced to a mandatory minimum term of imprisonment; amending s. 921.0021, F.S.; allowing assessment of victim injury points for certain offenses if the court finds that the offender caused victim injury; providing an effective date.

—was read the second time by title.

On motion by Rep. Smith, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative Smith offered the following:

(Amendment Bar Code: 941419)

Amendment 1 (with title amendment)—Between lines 130 and 131, insert:

Section 5. Section 316.6135, Florida Statutes, is amended to read:

316.6135 Leaving children unattended or unsupervised in motor vehicles ~~vehicle~~; penalty; authority of law enforcement officer.--

(1) A ~~No~~ parent, legal guardian, or other person responsible for a child younger than 6 years of age may not shall leave such child unattended or unsupervised in a motor vehicle for a period in excess of 15 minutes; however, ~~no~~ such person may not shall leave a child unattended for any period of time if the motor of the vehicle is running or the health of the child is in danger.

(2) Any person who violates ~~the provisions of~~ subsection (1) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, is guilty of a noncriminal traffic infraction, punishable by a fine of:

(a) Not more than \$100; or

(b) Not less than \$50 and not more than \$500 if the motor of the vehicle was running or the health of the child was in danger at the time of the violation.

(3) Any person who violates subsection (1) and in so doing causes great bodily harm, permanent disability, or permanent disfigurement to a child, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

~~(4)(3)~~ Any law enforcement officer who observes a child left unattended or unsupervised in a motor vehicle in violation of subsection (1) may use whatever means are reasonably necessary to protect the minor child and to remove the child from the vehicle.

~~(5)(4)~~ If the child is removed from the immediate area, notification should be placed on the vehicle.

~~(6)(5)~~ The child shall be remanded to the custody of the Department of Children and Family Services pursuant to chapter 39, unless the law enforcement officer is able to locate the parents or legal guardian or other person responsible for the child.

===== T I T L E A M E N D M E N T =====

Remove lines 2-21 and insert:

An act relating to vehicular incidents involving death or personal injuries; providing a short title; amending s. 316.027, F.S.; requiring a court to sentence a driver of a vehicle to a minimum term of imprisonment if the person is driving under the influence and leaves the scene of a crash that results in death; requiring a court to order the driver of a vehicle to make restitution to the victim for any damage or loss if a driver leaves the scene of an accident that results in injury or death; requiring a court to make the payment of restitution a condition of probation; providing that an order requiring the defendant to make restitution to a victim does not remove or diminish the requirement that the court order payment to the Crimes Compensation Trust Fund; amending s. 316.193, F.S.; requiring that a person convicted of DUI manslaughter be sentenced to a mandatory minimum term of imprisonment; amending s. 921.0021, F.S.; allowing assessment of victim injury points for certain offenses if the court finds that the offender caused victim injury; amending s. 316.6135, F.S.; providing that such offense constitutes a second-degree misdemeanor rather than a noncriminal traffic infraction; providing that such offense is a third-degree felony if the child suffers great bodily harm, disability, or disfigurement; providing penalties;

Rep. Smith moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 1365—A bill to be entitled An act relating to the Florida Healthy Kids Corporation Act; amending s. 624.91, F.S.; removing a limitation on eligibility for state-funded assistance in paying Florida Healthy Kids premiums; revising the date by which the corporation must provide certain notification of the local match amount to be remitted for the following year; revising basis for calculation of a county's local match contribution; amending s. 409.814, F.S.; conforming a cross-reference; providing an effective date.

The Health & Families Council recommended the following:

HB 1365 CS—A bill to be entitled An act relating to the Florida KidCare program; amending s. 409.814, F.S.; providing for certain children who are ineligible to participate in the Florida KidCare program to be eligible for Medikids or the Florida Healthy Kids program; specifying that 12 months of continuous eligibility includes changes between program components; amending s. 409.818, F.S.; providing for the administration of the eligibility application process; amending s. 409.821, F.S., relating to a public records exemption; specifying that such provision does not prohibit an enrollee's parent or legal guardian from obtaining confirmation of coverage and dates of coverage; amending s. 624.91, F.S.; authorizing participating health and dental plans to develop marketing and other promotional materials and to participate in activities to promote the Florida KidCare program; requiring the Agency for Health Care Administration to begin enrollment in Medikids or the Florida Healthy Kids program by a certain date; providing an effective date.

—was read the second time by title.

On motion by Rep. M. Davis, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative(s) M. Davis offered the following:

(Amendment Bar Code: 988675)

Amendment 1—Remove line(s) 71 and insert:
program to another, if the family pays continues to pay the

Rep. M. Davis moved the adoption of the amendment, which was adopted.

On motion by Rep. M. Davis, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative(s) M. Davis offered the following:

(Amendment Bar Code: 464175)

Amendment 2—Remove line(s) 97 and insert:
income for Medicaid, the enrollee's managed care plan shall be notified of the pending loss of coverage at the same time that the family is notified. Effective November 1, 2006, the department shall forward all of the

Rep. M. Davis moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 7167—A bill to be entitled An act relating to growth management; amending s. 163.3164, F.S.; revising a definition; amending s. 163.3177, F.S.; correcting a cross-reference; amending s. 163.31777, F.S.; revising requirements and procedures for public schools interlocal agreements; amending s. 163.3180, F.S.; revising concurrency requirements and procedures; amending ss. 163.3184 and 339.2819, F.S.; correcting cross-references; amending s. 339.55, F.S.; deleting an annual appropriation from the State Transportation Trust Fund for State Infrastructure Bank purposes; amending s. 380.06, F.S.; revising certain statutory exemption provisions for developments of regional impact; amending s. 1013.33, F.S.; revising requirements and procedures for coordination of planning with local governing bodies; amending s. 1013.65, F.S.; revising an appropriation from the Public Education Capital Outlay and Debt Service Trust Fund to the Classroom for Kids Program; amending s. 27, ch. 2005-290, Laws of Florida; revising an appropriation from the State Transportation Trust Fund for Florida Strategic Intermodal System purposes; providing appropriations; providing an effective date.

The State Infrastructure Council recommended the following:

HB 7167 CS—A bill to be entitled An act relating to growth management; amending s. 163.3164, F.S.; revising a definition; amending s. 163.3177, F.S.; correcting a cross-reference; amending s. 163.31777, F.S.; revising

requirements and procedures for public schools interlocal agreements; amending s. 163.3180, F.S.; revising concurrency requirements and procedures; providing sanctions; amending ss. 163.3184 and 339.2819, F.S.; correcting cross-references; amending s. 339.55, F.S.; deleting an annual appropriation from the State Transportation Trust Fund for State Infrastructure Bank purposes; amending s. 380.06, F.S.; revising certain statutory exemption provisions for developments of regional impact; amending s. 1013.33, F.S.; revising requirements and procedures for coordination of planning with local governing bodies; amending s. 1013.65, F.S.; revising provisions relating to sources of appropriations to the Public Education Capital Outlay and Debt Service Trust Fund to delete an annual appropriation to the Classroom for Kids Program; amending s. 27, ch. 2005-290, Laws of Florida; revising an appropriation from the State Transportation Trust Fund for Florida Strategic Intermodal System purposes; providing an effective date.

—was read the second time by title.

On motion by Rep. Johnson, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative(s) Johnson offered the following:

(Amendment Bar Code: 808053)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (32) of section 163.3164, Florida Statutes, is amended to read:

163.3164 Local Government Comprehensive Planning and Land Development Regulation Act; definitions.--As used in this act:

(32) "Financial feasibility" means that sufficient revenues are currently available or will be available from committed funding sources for the first 3 years, or will be available from committed or planned funding sources for years 4 and 5, of a 5-year capital improvement schedule for financing capital improvements, such as ad valorem taxes, bonds, state and federal funds, tax revenues, impact fees, and developer contributions, which are adequate to fund the projected costs of the capital improvements identified in the comprehensive plan necessary to ensure that adopted level-of-service standards are achieved and maintained within the period covered by the 5-year schedule of capital improvements. The requirement that level-of-service standards be achieved and maintained shall not apply if the proportionate fair-share mitigation ~~proportionate share~~ process set forth in s. 163.3180(12) and (16) is used.

Section 2. Paragraph (c) of subsection (13) of section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.--

(13) Local governments are encouraged to develop a community vision that provides for sustainable growth, recognizes its fiscal constraints, and protects its natural resources. At the request of a local government, the applicable regional planning council shall provide assistance in the development of a community vision.

(c) As part of the workshops and public meetings, the local government must discuss strategies for addressing the topics discussed under paragraph (b), including:

1. Strategies to preserve open space and environmentally sensitive lands, and to encourage a healthy agricultural economy, including innovative planning and development strategies, such as the transfer of development rights;

2. Incentives for mixed-use development, including increased height and intensity standards for buildings that provide residential use in combination with office or commercial space;

3. Incentives for workforce housing;

4. Designation of an urban service boundary pursuant to subsection (14) ~~(2)~~; and

5. Strategies to provide mobility within the community and to protect the Strategic Intermodal System, including the development of a transportation corridor management plan under s. 337.273.

Section 3. Paragraph (c) of subsection (2), paragraph (f) of subsection (5), subsection (7), paragraphs (e) and (f) of subsection (13), and paragraphs (a), (b), (c), (e), and (f) of subsection (16) of section 163.3180, Florida Statutes, are amended to read:

163.3180 Concurrency.--

(2)

(c) Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities needed to serve new development shall be in place or under actual construction or programmed for construction to commence in the Department of Transportation's work program or the local government's schedule of capital improvements within 3 years after the local government approves a building permit or its functional equivalent that results in traffic generation.

(5)

(f) Prior to the designation of a concurrency exception area, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed exception area is expected to have on the adopted level-of-service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate ~~any~~ impacts to the Strategic Intermodal System, including, if appropriate, the development of a long-term concurrency management system pursuant to subsection (9) and s. 163.3177(3)(d). The exceptions may be available only within the specific geographic area of the jurisdiction designated in the plan. Pursuant to s. 163.3184, any affected person may challenge a plan amendment establishing these guidelines and the areas within which an exception could be granted. By October 1, 2006, the Department of Transportation, after publicly noticed workshops, shall publish and distribute to local governments a policy guideline containing criteria and options to assist local governments in planning to assess and mitigate the impacts of a proposed concurrency exception area as described in this paragraph.

(7) In order to promote infill development and redevelopment, one or more transportation concurrency management areas may be designated in a local government comprehensive plan. A transportation concurrency management area must be a compact geographic area with an existing network of roads where multiple, viable alternative travel paths or modes are available for common trips. A local government may establish an areawide level-of-service standard for such a transportation concurrency management area based upon an analysis that provides for a justification for the areawide level of service, how urban infill development or redevelopment will be promoted, and how mobility will be accomplished within the transportation concurrency management area. Prior to the designation of a concurrency management area, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed concurrency management area is expected to have on the adopted level-of-service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including, if appropriate, the development of a long-term concurrency management system pursuant to subsection (9) and s. 163.3177(3)(d). Transportation concurrency management areas existing prior to July 1, 2005, shall meet, at a minimum, the provisions of this section by July 1, 2006, or at the time of the comprehensive plan update pursuant to the evaluation and appraisal report, whichever occurs last. The state land planning agency shall amend chapter 9J-5, Florida Administrative Code, to be consistent with this subsection. By October 1, 2006, the Department of Transportation, after publicly noticed workshops, shall publish and distribute to local governments a policy guideline containing criteria and options to assist local governments in planning to assess and mitigate the impacts of a proposed concurrency management area as described in this paragraph.

(13) School concurrency shall be established on a districtwide basis and shall include all public schools in the district and all portions of the district,

whether located in a municipality or an unincorporated area unless exempt from the public school facilities element pursuant to s. 163.3177(12). The application of school concurrency to development shall be based upon the adopted comprehensive plan, as amended. All local governments within a county, except as provided in paragraph (f), shall adopt and transmit to the state land planning agency the necessary plan amendments, along with the interlocal agreement, for a compliance review pursuant to s. 163.3184(7) and (8). The minimum requirements for school concurrency are the following:

(e) Availability standard.--Consistent with the public welfare, a local government may not deny an application for site plan, final subdivision approval, or the functional equivalent for a development or phase of a development authorizing residential development for failure to achieve and maintain the level-of-service standard for public school capacity in a local school concurrency management system where adequate school facilities will be in place or under actual construction within 3 years after the issuance of final subdivision or site plan approval, or the functional equivalent. School concurrency shall be satisfied if the developer executes a legally binding commitment to provide proportionate fair-share mitigation proportionate to the demand for public school facilities to be created by actual development of the property, including, but not limited to, the options described in subparagraph 1. Options for proportionate fair-share ~~proportionate share~~ mitigation of impacts on public school facilities shall be established in the public school facilities element and the interlocal agreement pursuant to s. 163.3177.

1. Appropriate proportionate fair-share mitigation options include the contribution of land; the construction, expansion, or payment for land acquisition or construction of a public school facility; or the creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell capacity credits. Such options must include execution by the applicant and the local government of a binding development agreement that constitutes a legally binding commitment to pay proportionate fair-share ~~proportionate share~~ mitigation for the additional residential units approved by the local government in a development order and actually developed on the property, taking into account residential density allowed on the property prior to the plan amendment that increased overall residential density. The district school board shall be a party to such an agreement. As a condition of its entry into such a development agreement, the local government may require the landowner to agree to continuing renewal of the agreement upon its expiration.

2. If the education facilities plan and the public educational facilities element authorize a contribution of land; the construction, expansion, or payment for land acquisition; or the construction or expansion of a public school facility, or a portion thereof, as proportionate fair-share ~~proportionate share~~ mitigation, the local government shall credit such a contribution, construction, expansion, or payment toward any other impact fee or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis at fair market value.

3. Any proportionate fair-share ~~proportionate share~~ mitigation must be directed by the school board toward a school capacity improvement identified in a financially feasible 5-year district work plan and which satisfies the demands created by that development in accordance with a binding developer's agreement.

4. This paragraph does not limit the authority of a local government to deny a development permit or its functional equivalent pursuant to its home rule regulatory powers, except as provided in this part.

(f) Intergovernmental coordination.--

1. When establishing concurrency requirements for public schools, a local government shall satisfy the requirements for intergovernmental coordination set forth in s. 163.3177(6)(h)1. and 2., except that a municipality is not required to be a signatory to the interlocal agreement required by ss. 163.3177(6)(h)2. and 163.3177(6), as a prerequisite for imposition of school concurrency, and as a nonsignatory, shall not participate in the adopted local school concurrency system, if the municipality meets all of the following criteria for having no significant impact on school attendance:

a. The municipality has issued development orders for fewer than 50 residential dwelling units during the preceding 5 years, or the municipality

has generated fewer than 25 additional public school students during the preceding 5 years.

b. The municipality has not annexed new land during the preceding 5 years in land use categories which permit residential uses that will affect school attendance rates.

c. The municipality has no public schools located within its boundaries.

d. At least 80 percent of the developable land within the boundaries of the municipality has been built upon.

2. A municipality which qualifies as having no significant impact on school attendance pursuant to the criteria of subparagraph 1. must review and determine at the time of its evaluation and appraisal report pursuant to s. 163.3191 whether it continues to meet the criteria pursuant to s. 163.3177(6). If the municipality determines that it no longer meets the criteria, it must adopt appropriate school concurrency goals, objectives, and policies in its plan amendments based on the evaluation and appraisal report, and enter into the existing interlocal agreement required by ss. 163.3177(6)(h) 2. and 163.3177, in order to fully participate in the school concurrency system. If such a municipality fails to do so, it will be subject to the enforcement provisions of s. 163.3191.

(16) It is the intent of the Legislature to provide a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors. The methodology used to calculate proportionate fair-share mitigation under this section shall be as provided for in subsection (12).

(a) By December 1, 2006, each local government shall adopt by ordinance a methodology for assessing proportionate fair-share mitigation options. A local government that fails to adopt a methodology for assessing proportionate fair-share mitigation options by December 1, 2006, shall be subject to the sanctions described in s. 163.3184(11)(a) imposed by the Administration Commission. By December 1, 2005, the Department of Transportation shall develop a model transportation concurrency management ordinance with methodologies for assessing proportionate fair-share mitigation options.

(b)1. In its transportation concurrency management system, a local government shall, by December 1, 2006, include methodologies that will be applied to calculate proportionate fair-share mitigation. A local government that fails to include such methodologies by December 1, 2006, shall be subject to the sanctions described in s. 163.3184(11)(a) imposed by the Administration Commission. A developer may choose to satisfy all transportation concurrency requirements by contributing or paying proportionate fair-share mitigation if transportation facilities or facility segments identified as mitigation for traffic impacts are specifically identified for funding in the 5-year schedule of capital improvements in the capital improvements element of the local plan or the long-term concurrency management system or if such contributions or payments to such facilities or segments are reflected in the 5-year schedule of capital improvements in the next regularly scheduled update of the capital improvements element. Updates to the 5-year capital improvements element which reflect proportionate fair-share contributions may not be found not in compliance based on ss. 163.3164(32) ~~163.164(32)~~ and 163.3177(3) if additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed 10 years to fully mitigate impacts on the transportation facilities.

2. Proportionate fair-share mitigation shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure improvements contemplated by the local government's impact fee ordinance.

(c) Proportionate fair-share mitigation includes, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities and may include public funds as determined by the local government. The fair market value of the proportionate fair-share mitigation shall not differ based on the form of mitigation. A local government may not require a development to pay more than its proportionate fair-share mitigation contribution ~~contribution~~ regardless of the method of mitigation.

(e) Mitigation for development impacts to facilities on the Strategic Intermodal System made pursuant to this subsection requires the concurrence of the Department of Transportation. The department has 60 days from the

date of submission by the applicable local government to concur or withhold concurrence with the mitigation of development impacts to facilities on the Strategic Intermodal System. If the department does not respond within the 60-day period, the department is deemed to have concurred with the mitigation.

(f) ~~If in the event the~~ funds in an adopted 5-year capital improvements element are insufficient to fully fund construction of a transportation improvement required by the local government's concurrency management system, a local government and a developer may still enter into a binding proportionate fair-share mitigation ~~proportionate share~~ agreement authorizing the developer to construct that amount of development on which the proportionate fair-share mitigation ~~proportionate share~~ is calculated if the proportionate fair-share mitigation ~~proportionate share~~ amount in such agreement is sufficient to pay for one or more improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system. The improvement or improvements funded by the proportionate fair-share mitigation ~~proportionate share~~ component must be adopted into the 5-year capital improvements schedule of the comprehensive plan at the next annual capital improvements element update.

Section 4. Subsection (17) of section 163.3184, Florida Statutes, is amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.--

(17) A local government that has adopted a community vision and urban service boundary under s. 163.3177(13) ~~163.3177(13)~~ and (14) may adopt a plan amendment related to map amendments solely to property within an urban service boundary in the manner described in subsections (1), (2), (7), (14), (15), and (16) and s. 163.3187(1)(c)1.d. and e., 2., and 3., such that state and regional agency review is eliminated. The department may not issue an objections, recommendations, and comments report on proposed plan amendments or a notice of intent on adopted plan amendments; however, affected persons, as defined by paragraph (1)(a), may file a petition for administrative review pursuant to the requirements of s. 163.3187(3)(a) to challenge the compliance of an adopted plan amendment. This subsection does not apply to any amendment within an area of critical state concern, to any amendment that increases residential densities allowable in high-hazard coastal areas as defined in s. 163.3178(2)(h), or to a text change to the goals, policies, or objectives of the local government's comprehensive plan. Amendments submitted under this subsection are exempt from the limitation on the frequency of plan amendments in s. 163.3187.

Section 5. Paragraph (a) of subsection (3) of section 163.3247, Florida Statutes, is amended to read:

163.3247 Century Commission for a Sustainable Florida.--

(3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA; CREATION; ORGANIZATION.--The Century Commission for a Sustainable Florida is created as a standing body to help the citizens of this state envision and plan their collective future with an eye towards both 25-year and 50-year horizons.

(a) The commission shall consist of 15 members, 5 appointed by the Governor, 5 appointed by the President of the Senate, and 5 appointed by the Speaker of the House of Representatives. Appointments shall be made no later than October 1, 2005. The membership must represent local governments, school boards, developers and homebuilders, the business community, the agriculture community, the environmental community, and other appropriate stakeholders. The membership shall reflect the demographic makeup of the state. One member shall be designated by the Governor as chair of the commission. Any vacancy that occurs on the commission must be filled in the same manner as the original appointment and shall be for the unexpired term of that commission seat. Members shall serve 4-year terms, except that, initially, to provide for staggered terms, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall each appoint one member to serve a 2-year term, two members to serve 3-year terms, and two members to serve 4-year terms. All subsequent appointments shall be for 4-year terms. An appointee may not serve more than 6 years.

Section 6. Paragraph (a) of subsection (4) of section 339.2819, Florida Statutes, is amended to read:

339.2819 Transportation Regional Incentive Program.--

(4)(a) Projects to be funded with Transportation Regional Incentive Program funds shall, at a minimum:

1. Support those transportation facilities that serve national, statewide, or regional functions and function as an integrated regional transportation system.

2. Be identified in the capital improvements element of a comprehensive plan that has been determined to be in compliance with part II of chapter 163, after July 1, 2005, or to implement a long-term concurrency management system adopted by a local government in accordance with s. 163.3180(9) ~~163.3177(9)~~. Further, the project shall be in compliance with local government comprehensive plan policies relative to corridor management.

3. Be consistent with the Strategic Intermodal System Plan developed under s. 339.64.

4. Have a commitment for local, regional, or private financial matching funds as a percentage of the overall project cost.

Section 7. Subsection (10) of section 339.55, Florida Statutes, is amended to read:

339.55 State-funded infrastructure bank.--

~~(10) Funds paid into the State Transportation Trust Fund pursuant to s. 201.15(1)(d) for the purposes of the State Infrastructure Bank are hereby annually appropriated for expenditure to support that program.~~

Section 8. Paragraphs (l), (m), and (n) of subsection (24) of section 380.06, Florida Statutes, are amended to read:

380.06 Developments of regional impact.--

(24) STATUTORY EXEMPTIONS.--

(l) Any proposed development within an urban service boundary established under s. 163.3177(14) is exempt from the provisions of this section if the local government having jurisdiction over the area where the development is proposed has adopted the urban service boundary and has entered into a binding agreement with adjacent jurisdictions and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate fair-share mitigation share methodology pursuant to s. 163.3180(16).

(m) Any proposed development within a rural land stewardship area created under s. 163.3177(11)(d) is exempt from the provisions of this section if the local government that has adopted the rural land stewardship area has entered into a binding agreement with jurisdictions that would be impacted and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate fair-share mitigation share methodology pursuant to s. 163.3180(16).

(n) Any proposed development or redevelopment within an area designated as an urban infill and redevelopment area under s. 163.2517 is exempt from the provisions of this section if the local government has entered into a binding agreement with jurisdictions that would be impacted and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate fair-share mitigation share methodology pursuant to s. 163.3180(16).

Section 9. Paragraph (a) of subsection (2) of section 1013.65, Florida Statutes, is amended to read:

1013.65 Educational and ancillary plant construction funds; Public Education Capital Outlay and Debt Service Trust Fund; allocation of funds.--

(2)(a) The Public Education Capital Outlay and Debt Service Trust Fund shall be comprised of the following sources, which are hereby appropriated to the trust fund:

1. Proceeds, premiums, and accrued interest from the sale of public education bonds and that portion of the revenues accruing from the gross receipts tax as provided by s. 9(a)(2), Art. XII of the State Constitution, as amended, interest on investments, and federal interest subsidies.

2. General revenue funds appropriated to the fund for educational capital outlay purposes.

3. All capital outlay funds previously appropriated and certified forward pursuant to s. 216.301.

~~4. Funds paid pursuant to s. 201.15(1)(d).~~

~~b. The sum of \$41.75 million of such funds shall be appropriated annually for expenditure to fund the Classrooms for Kids Program created in s. 1013.735 and shall be distributed as provided by that section.~~

Section 10. Subsections (2) and (3) of section 1013.738, Florida Statutes, are amended to read:

1013.738 High Growth District Capital Outlay Assistance Grant Program.--

(2) In order to qualify for a grant, a school district must meet the following criteria:

(a) The district must have levied the full 2 mills of nonvoted discretionary capital outlay millage authorized in s. 1011.71(2) for each of the past 3 4 fiscal years or currently receive an amount from the school capital outlay surtax authorized in s. 212.055(6) that, when added to the nonvoted discretionary capital outlay millage collected, equals the amount that would be generated if the full 2 mills of nonvoted discretionary capital outlay millage had been collected over the past 3 fiscal years.

(b) The district must receive, in the current fiscal year, revenue from the collection of an impact fee specifically for schools and revenue from the collection of one of the following:

1. A local government infrastructure sales surtax authorized in s. 212.055(2) in which a portion is dedicated for the construction of schools in the current fiscal year.

2. A school capital outlay surtax authorized in s. 212.055(6). If the school capital outlay surtax is used to meet the conditions of paragraph (a), the amount of the school capital outlay surtax collected must be in excess of the amount in paragraph (a).

3. A local bond referendum as authorized in ss. 1010.40-1010.55. ~~Fifty percent of the revenue derived from the 2-mill nonvoted discretionary capital outlay millage for the past 4 fiscal years, when divided by the district's growth in capital outlay FTE students over this period, produces a value that is less than the average cost per student station calculated pursuant to s. 1013.72(2), and weighted by statewide growth in capital outlay FTE students in elementary, middle, and high schools for the past 4 fiscal years.~~

(c) The district must have equaled or exceeded ~~three times~~ twice the statewide average of growth in capital outlay FTE students over this same 3-year ~~4~~-year period.

(d) The district must not have received an appropriation from the special facilities construction program in the current fiscal year. ~~The Commissioner of Education must have released all funds allocated to the district from the Classrooms First Program authorized in s. 1013.68, and these funds were fully expended by the district as of February 1 of the current fiscal year.~~

(e) The total capital outlay FTE students of the district is greater than 45,000 students.

(3) The funds provided in the General Appropriations Act shall be allocated pursuant to the following methodology:

(a) Each eligible district school board shall receive an amount from the Public Education Capital Outlay and Debt Service Trust Fund to be calculated by computing the capital outlay full-time equivalent membership as determined by the department. Such membership must include, but is not limited to:

1. K-12 students, except hospital and homebound part-time students; and

2. Students who are career education students and adult disabled students and who are enrolled in school district career centers. ~~For each eligible district, the Department of Education shall calculate the value of 50 percent of the revenue derived from the 2-mill nonvoted discretionary capital outlay millage for the past 4 fiscal years divided by the increase in capital outlay FTE students for the same period.~~

(b) The capital outlay full-time equivalent membership shall be determined for kindergarten through grade 12 and for career centers by averaging the unweighted full-time equivalent membership for the second and third surveys and comparing the results on a school-by-school basis with the Florida Inventory for School Houses. The capital outlay full-time equivalent membership by grade-level organization shall be used in making the following calculation: the capital outlay full-time equivalent membership by grade-level organization for the prior year must be used to compute the growth over the highest of the 3 years preceding the prior year. ~~The Department of Education shall determine, for each eligible district, the~~

~~amount that must be added to the value calculated pursuant to paragraph (a) to produce the weighted average value per student station calculated pursuant to paragraph (2)(b).~~

(c) The total amount appropriated by the Legislature pursuant to this subsection shall be allocated among the growth capital outlay full-time equivalent membership. The allocation shall be prorated to the districts based upon each district's percentage of growth capital outlay full-time equivalent membership. The most recent 4-year capital outlay full-time equivalent membership data shall be used in each subsequent year's calculation for the allocation of funds pursuant to this subsection. If a change, correction, or recomputation of data during any year results in a reduction or increase of the calculated amount previously allocated to a district, the allocation to that district shall be adjusted correspondingly. If such recomputation results in an increase or decrease of the calculated amount, such additional or reduced amounts shall be added to or reduced from the district's future appropriations. However, no change, correction, or recomputation of data shall be made subsequent to 2 years following the initial annual allocation. ~~The value calculated for each eligible district pursuant to paragraph (b) shall be multiplied by the average increase in capital outlay FTE students for the past 4 fiscal years to determine the maximum amount of a grant that may be awarded to a district pursuant to this section.~~

(d) In the event the funds provided in the General Appropriations Act are insufficient to fully fund the maximum grants calculated pursuant to paragraph (c), the Department of Education shall allocate the funds based on each district's prorated share of the total maximum award amount calculated for all eligible districts.

Section 11. Paragraph (a) of subsection (2) of section 27 of chapter 2005-290, Laws of Florida, is amended to read:

Section 27.

(2) The following appropriations are made for the 2005-2006 fiscal year only on a nonrecurring basis:

(a) From the State Transportation Trust Fund in the Department of Transportation:

1. ~~One hundred seventy-five Two hundred~~ million dollars for the purposes specified in sections 339.61, 339.62, 339.63, and 339.64, Florida Statutes.

2. Two hundred seventy-five million dollars for the purposes specified in section 339.2819, Florida Statutes.

3. One hundred million dollars for the purposes specified in section 339.55, Florida Statutes.

4. Twenty-five million for the purposes specified in section 339.2817, Florida Statutes.

Section 12. This act shall take effect July 1, 2006.

===== TITLE AMENDMENT =====

Remove the entire title and insert:

A bill to be entitled

An act relating to growth management; amending s. 163.3164, F.S.; revising a definition; amending s. 163.3177, F.S.; correcting a cross-reference; amending s. 163.3180, F.S.; revising concurrency requirements and procedures; providing sanctions; amending ss. 163.3184 and 339.2819, F.S.; correcting cross-references; amending s. 163.3247, F.S.; providing a requirement on the makeup of the Century Commission for a Sustainable Florida; amending s. 339.55, F.S.; deleting an annual appropriation from the State Transportation Trust Fund for State Infrastructure Bank purposes; amending s. 380.06, F.S.; revising certain statutory exemption provisions for developments of regional impact; amending s. 1013.65, F.S.; revising provisions relating to sources of appropriations to the Public Education Capital Outlay and Debt Service Trust Fund to delete an annual appropriation to the Classroom for Kids Program; amending s. 1013.738, F.S.; revising the eligibility criteria for the High Growth District Capital Outlay Assistance Grant Program; revising provisions for allocation of funds; providing calculations; amending s. 27, ch. 2005-290, Laws of Florida; revising an appropriation from the State Transportation Trust Fund for Florida Strategic Intermodal System purposes; providing an effective date.

Rep. Johnson moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

Motion

On motion by Rep. Goodlette, the House agreed to take up HB 1319 for consideration.

HB 1319—A bill to be entitled An act relating to certification of swimming instructors; creating s. 514.072, F.S.; requiring additional certification of swimming instructors for people who have developmental disabilities; providing a remedy for certification violations; providing an appropriation; providing an effective date.

The Health & Families Council recommended the following:

HB 1319 CS—A bill to be entitled An act relating to swimming pools; creating s. 514.072, F.S.; requiring additional certification of swimming instructors specializing in training people who have developmental disabilities; requiring the Dan Marino Foundation, Inc., to develop certification requirements and a training curriculum and to submit the certification requirements to the Department of Health for review; providing deadlines for certification; amending s. 514.075, F.S.; deleting an exception to the requirement that a public pool be serviced by a certified technician; providing a contingent effective date.

—was read the second time by title.

On motion by Rep. Goldstein, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative(s) Goldstein offered the following:

(Amendment Bar Code: 018663)

Amendment 1 (with title amendment)—Remove lines 39-56.

===== T I T L E A M E N D M E N T =====

Remove lines 6-15 and insert:

An act relating to swimming instructors; creating s. 514.072, F.S.; requiring additional certification of swimming instructors specializing in training people who have developmental disabilities; requiring the Dan Marino Foundation, Inc., to develop certification requirements and a training curriculum and to submit the certification requirements to the Department of Health for review; providing deadlines for certification;

Rep. Goldstein moved the adoption of the amendment, which was adopted.

On motion by Rep. Goldstein, the rules were waived and HB 1319 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 979

Speaker Bense in the Chair.

Yeas—115

Adams	Bogdanoff	Davis, M.	Goldstein
Altman	Bowen	Dean	Goodlette
Ambler	Brandenburg	Detert	Gottlieb
Anderson	Brown	Domino	Grant
Antone	Brummer	Evers	Greenstein
Arza	Brutus	Farkas	Grimsley
Attkisson	Bucher	Fields	Harrell
Ausley	Bullard	Flores	Hasner
Barreiro	Cannon	Galvano	Hays
Baxley	Carroll	Gannon	Henriquez
Bean	Clarke	Garcia	Holloway
Bendross-Mindingall	Coley	Gardiner	Homan
Bense	Cretul	Gelber	Hukill
Benson	Culp	Gibson, A.	Jennings
Berfield	Cusack	Gibson, H.	Johnson
Bilirakis	Davis, D.	Glorioso	Jordan

Joyner	Meadows	Reagan	Smith
Justice	Mealor	Rice	Sobel
Kottkamp	Murzin	Richardson	Sorensen
Kravitz	Needelman	Rivera	Stansel
Kyle	Negron	Robaina	Stargel
Legg	Patterson	Roberson	Taylor
Littlefield	Peterman	Rubio	Traviesa
Llorente	Pickens	Russell	Troutman
Lopez-Cantera	Planas	Sands	Vana
Machek	Poppell	Sansom	Waters
Mahon	Porth	Seiler	Williams
Mayfield	Proctor	Simmons	Zapata
McInvale	Quinones	Slosberg	

Nays—None

Votes after roll call:

Yeas—Ryan

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

Recognition Ceremony

The Speaker recognized Rep. Goldstein who introduced Mary Partin [seated in the gallery], executive director of the Dan Marino Foundation. Rep. Goldstein also introduced Dan Marino and named his many accomplishments off the football field. She spoke of his dedication to children with medical as well as emotional needs and explained that Dan Marino initiated the above legislation that passed the House today.

Remarks

Rep. Rivera remarked on Rep. Marco Rubio's skills in the game of football and that one of his dreams was to play wide receiver in the National Football League and catch touchdown passes from NFL quarterbacks.

Motion

On motion by Rep. Rivera, the rules were waived and the privilege of the floor was granted to Dan Marino, former Miami Dolphin and current Hall of Fame quarterback, for the purpose of throwing an NFL pass to Rep. Marco Rubio.

The vote was:

Session Vote Sequence: 980

Speaker Bense in the Chair.

Yeas—111

Adams	Brutus	Gelber	Kyle
Allen	Bullard	Gibson, A.	Legg
Altman	Cannon	Gibson, H.	Littlefield
Ambler	Carroll	Glorioso	Llorente
Anderson	Clarke	Goldstein	Lopez-Cantera
Antone	Coley	Goodlette	Machek
Arza	Cretul	Gottlieb	Mahon
Attkisson	Culp	Grant	Mayfield
Ausley	Gottlieb	Greenstein	McInvale
Barreiro	Cusack	Grimsley	Meadows
Baxley	Davis, D.	Harrell	Mealor
Bean	Davis, M.	Hasner	Murzin
Bendross-Mindingall	Dean	Hays	Needelman
Bense	Detert	Henriquez	Negron
Benson	Domino	Holloway	Patterson
Berfield	Evers	Homan	Peterman
Bilirakis	Farkas	Hukill	Pickens
Bogdanoff	Fields	Jennings	Planas
Bowen	Flores	Jordan	Poppell
Brandenburg	Galvano	Justice	Porth
Brown	Gannon	Kottkamp	Proctor
Brummer	Garcia	Kravitz	Quinones
	Gardiner		

Reagan	Rubio	Slosberg	Troutman
Rice	Russell	Sobel	Vana
Richardson	Ryan	Stansel	Waters
Rivera	Sands	Stargel	Williams
Robaina	Sansom	Taylor	Zapata
Roberson	Simmons	Traviesa	

Nays—4

Bucher	Joyner	Seiler	Smith
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Votes after roll call:

Yeas—Sorensen

Dan Marino then entered through the main Chamber door to the applause of the members. Rep. Rubio dropped to his knees over the House Seal to appeal for divine assistance. After the center aisle cleared, Dan Marino threw a swift and difficult pass, which Rep. Rubio caught.

HB 7235—A bill to be entitled An act relating to continuing implementation of Constitutional Revision 7 to Article V; amending s. 27.52, F.S.; providing for liability for fees, costs, and charges of representation in delinquency proceedings; expanding a provision imposing a lien; amending s. 27.561, F.S.; deleting authorization for a court to reduce or revoke attorney's fees or costs under certain circumstances; requiring defendant-recipients or parents defaulting on payment of attorney's fees or costs to enroll in a payment plan under certain circumstances; amending s. 28.24, F.S.; decreasing a portion of a fee distributed to the Florida Association of Court Clerks and Comptroller, Inc., used to fund court-related technology needs; increasing a portion of a fee used to fund court-related technology needs and court technology needs and redirecting its distribution from the boards of county commissioners to the Court Technology Trust Fund; specifying additional uses of the fee; providing criteria and requirements for use and distribution of funds in the trust fund; amending s. 28.35, F.S.; providing additional duties of the Florida Clerks of Court Operations Corporation; providing requirements for the corporation relating to certain budget amendments; prohibiting a clerk from making certain noncomplying expenditures; amending s. 28.36, F.S.; correcting cross-references; providing expenditure requirements for certain budgets; providing expenditure recording and reporting requirements for clerks; amending s. 29.008, F.S.; specifying methodology, criteria, and procedures for determining noncompliance of counties in funding court-related functions; providing duties of a chief judge, the board of county commissioners, the Executive Office of the Governor, and the Administration Commission; revising provisions for withholding certain revenue sharing receipts by the Department of Revenue; providing a definition; amending s. 29.0086, F.S.; providing an additional reporting requirement of the Article V Technology Board; providing for future repeal of the Article V Technology Board; creating s. 29.0087, F.S.; establishing in each judicial circuit a Judicial Circuit Article V Technology Advisory Council; providing for membership; providing for terms; providing for serving without compensation; providing for per diem and travel expenses; providing for staff for the councils; providing for meetings; providing purposes and duties; amending s. 44.103, F.S.; providing additional requirements and procedures for court-ordered nonbinding arbitration proceedings; authorizing courts to assess certain costs against parties requesting de novo trials after arbitration; providing cost assessment criteria; providing a definition; amending s. 218.245, F.S.; revising apportionment criteria for revenue sharing distributions for certain local governments; amending s. 318.18, F.S.; revising reporting requirements for infraction or violation surcharge funds used to finance court facilities; amending s. 903.286, F.S.; revising authority of the clerk of court to withhold funds from return of certain cash bonds for unpaid court fees, court costs, and criminal penalties; providing notice requirements of such withheld funds; amending s. 938.27, F.S.; requiring convicted persons or parents of adjudicated juveniles to enroll in certain prosecution cost-payment plans; deleting certain cost-payment criteria; deleting a requirement for deposit and use of costs collected by the state attorney; amending s. 938.29, F.S.; revising certain provisions for liability for payment of attorney's fees and costs; amending s. 948.15, F.S.; requiring misdemeanor probation service providers to establish a process for collecting

certain payments; providing for allocating certain payments among outstanding obligations; renumbering s. 939.185, F.S., as s. 938.195, F.S.; creating s. 938.065, F.S., by transferring and amending s. 775.083(2), F.S.; providing for financing county crime prevention programs from certain court costs; amending ss. 938.17, 938.19, 948.08, 948.16, and 985.306, F.S.; correcting cross-references; providing an effective date.

The Fiscal Council recommended the following:

HB 7235 CS—A bill to be entitled An act relating to continuing implementation of Constitutional Revision 7 to Article V; amending s. 27.51, F.S.; revising certain criteria for persons to be represented by the public defender without additional compensation; providing an exception to a prohibition against a court appointing the public defender to represent a person who is not indigent; amending s. 27.52, F.S.; providing an age limitation on persons seeking appointment of a public defender based upon an inability to pay; specifying conditions under which an additional affidavit need not be filed; providing requirements for a law enforcement officer or booking officer committing a defendant to custody; providing for liability for fees, costs, and charges of representation in delinquency proceedings; expanding a provision imposing a lien; amending s. 27.561, F.S.; deleting authorization for a court to reduce or revoke attorney's fees or costs under certain circumstances; requiring defendant-recipients or parents defaulting on payment of attorney's fees or costs to enroll in a payment plan under certain circumstances; amending s. 28.24, F.S.; revising amounts and distributions of the additional \$4 services charge relating to Comprehensive Case Management System of the Florida Association of Court Clerks and Comptroller, Inc., court-related technology needs, the Court Technology Trust Fund, court-related technology services, and the judicial circuit technology strategic plan; requiring the association to provide for an annual operational audit; providing audit requirements; requiring submission of an audit report to certain entities; authorizing the Joint Legislative Auditing Committee to require the Auditor General or other entity to conduct the audit; providing a contingency for receipt of certain funds upon a memorandum of agreement relating to ownership of the Comprehensive Case Information System; providing for transfer of the system to the state under certain circumstances; providing criteria, requirements, and procedures relating to such transfer; amending s. 28.35, F.S.; providing additional duties of the Florida Clerks of Court Operations Corporation; providing requirements for the corporation and clerks of court relating to certain budget amendments; amending s. 28.36, F.S.; correcting cross-references; providing expenditure requirements for certain budgets; providing expenditure recording and reporting requirements for clerks; amending s. 29.008, F.S.; specifying methodology, criteria, and procedures for determining noncompliance of counties in funding court-related functions; providing duties of a chief judge, the board of county commissioners, the Executive Office of the Governor, and the Administration Commission; revising provisions for withholding certain revenue sharing receipts by the Department of Revenue; providing definitions; providing requirements and procedures for the Department of Revenue relating to withholding of certain funds to certain counties for certain fiscal years; amending s. 29.0081, F.S.; specifying additional provisions of an agreement for county funding of judicial circuit personnel positions; amending s. 29.0086, F.S.; providing an additional reporting requirement of the Article V Technology Board; providing for future repeal of the Article V Technology Board; creating s. 29.0087, F.S.; establishing in each judicial circuit a Judicial Circuit Article V Technology Advisory Council; providing for membership; providing for terms; providing for serving without compensation; providing for per diem and travel expenses; providing for staff for the councils; providing for meetings; providing duties; amending s. 44.103, F.S.; providing additional requirements and procedures for court-ordered nonbinding arbitration proceedings; authorizing courts to assess certain costs against parties requesting de novo trials after arbitration; providing cost assessment criteria; providing a definition; amending s. 218.245, F.S.; revising apportionment criteria for revenue sharing distributions for certain local governments; amending s. 318.18, F.S.; revising reporting requirements for infraction or violation surcharge funds used to finance court facilities; amending s. 903.286, F.S.; requiring notice of

the authority of the clerk of court to withhold funds from return of certain cash bonds for unpaid court fees, court costs, and criminal penalties; prohibiting the clerk of court from withholding certain unpaid court fees, costs, and criminal penalties from certain cash bonds; amending s. 938.27, F.S.; requiring convicted persons or parents of adjudicated juveniles to enroll in certain prosecution cost-payment plans; deleting certain cost-payment criteria; amending s. 938.29, F.S.; revising certain provisions for liability for payment of attorney's fees and costs; amending s. 948.15, F.S.; requiring misdemeanor probation service providers to establish a process for collecting certain payments; providing for allocating certain payments among outstanding obligations; renumbering s. 939.185, F.S., as s. 938.195, F.S.; creating s. 938.065, F.S., by transferring and amending s. 775.083(2), F.S.; providing for financing county crime prevention programs from certain court costs; amending s. 985.203, F.S.; revising provisions providing for a child's right to counsel; amending ss. 938.17, 938.19, 948.08, 948.16, and 985.306, F.S.; correcting cross-references; providing an effective date.

—was read the second time by title.

Representative(s) Kottkamp offered the following:

(Amendment Bar Code: 820303)

Amendment 1—Remove line(s) 910 and insert:
in the circuit, appointed by the chief judge, who shall be appointed to an initial term of 2 years and shall serve 2-year terms thereafter.

REPRESENTATIVE SMITH IN THE CHAIR

Rep. Kottkamp moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 5029—A bill to be entitled An act relating to the Court Technology Trust Fund; creating s. 25.3847, F.S.; creating the Court Technology Trust Fund within the state courts system; providing for sources of funds and purposes; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

Consideration of **HB 1165** was temporarily postponed.

HB 1037—A bill to be entitled An act relating to campaign financing; amending s. 106.141, F.S.; allowing unopposed legislative candidates to transfer surplus campaign funds to or retain such funds in a campaign account for reelection to the same office; establishing limits on the transferable amount of such funds; providing an effective date.

The State Administration Council recommended the following:

HB 1037 CS—A bill to be entitled An act relating to campaign financing; amending s. 106.141, F.S.; allowing unopposed legislative candidates to transfer surplus campaign funds to or retain such funds in a campaign account for reelection to the same office; establishing limits on the transferable amount of such funds; providing a prohibition from fundraising under certain conditions; providing an effective date.

—was read the second time by title.

Representative(s) Ryan offered the following:

(Amendment Bar Code: 929033)

Amendment 1—Remove line(s) 50 and insert:
office for 2 years after the date of qualifying. A candidate who exercises this option may not accept contributions from persons who contributed to the

candidate's first \$50,000 in campaign funds from the previous election until the rollover amount has been reached.

Rep. Ryan moved the adoption of the amendment.

On motion by Rep. Ryan, further consideration of **Amendment 1** was temporarily postponed.

Representative(s) Rivera offered the following:

(Amendment Bar Code: 861229)

Amendment 2—Remove line(s) 53 and insert:
office for 2 years after the date of qualifying for the election in which such option is exercised.

Rep. Rivera moved the adoption of the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, which failed of adoption.

Representative Gelber offered the following:

(Amendment Bar Code: 730513)

Amendment 3 (with title amendment)—Between lines 15 and 16 insert:
Section 1. Paragraph (c) is added to subsection (7) of section 106.08, Florida Statutes, to read:

106.08 Contributions; limitations on.--

(7)

(c) A member of the Legislature, a statewide officeholder, or a candidate for legislative or statewide office may not, directly or indirectly, solicit, cause to be solicited, or accept any contribution to or on behalf of a political committee, committee of continuous existence, electioneering communications organization, or, except for a political party or campaign of the candidate, any organization described under s. 527 of the Internal Revenue Code, and may not control or coordinate or consult regarding the expenditure or raising of funds for any such committee or organization. Notwithstanding any other provision of this chapter, any person who knowingly and willfully violates any provision of this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

===== TITLE AMENDMENT =====

Remove line 6 and insert:

An act relating to campaign financing; amending s. 106.08, F.S.; prohibiting legislators, statewide officeholders, and certain candidates from soliciting or accepting contributions to or on behalf of a political committee, committee of continuous existence, electioneering communications organization, or s. 527 organization and from controlling or coordinating or consulting regarding the expenditure or raising of funds for any such committee or organization, with specified exceptions; providing penalties; amending s.

Rep. Gelber moved the adoption of the amendment.

Further consideration of **HB 1037**, with pending amendment, was temporarily postponed.

On motion by Rep. Brown, consideration of **HB 173** was temporarily postponed.

HB 1483—A bill to be entitled An act relating to the Grove Community District, Okeechobee County; providing a short title; creating the Grove Community District; providing for findings, determinations, ascertainments, intent, purpose, definitions, and policy; providing a charter; providing jurisdiction; providing boundaries; providing powers of the district; creating the district as a special, limited, and single-purpose independent district, an independent local government, and corporate body politic, to provide community development infrastructure; providing for authority, boundaries, jurisdiction, and charter amendment; providing for a governing board and

terms of office and duties thereof; providing for elections; providing for a district manager; providing for bonds; providing for borrowing; providing for future transition to ad valorem taxation; providing for special assessments; providing for issuance of certificates of indebtedness; providing for tax liens; providing minimum charter requirements; providing for the applicability of and compliance with provisions of chapter 189, Florida Statutes, and other general laws; providing for severability; providing for a referendum; providing an effective date.

The Finance & Tax Committee recommended the following:

HB 1483 CS—A bill to be entitled An act relating to the Grove Community District, Okeechobee County; providing a short title; creating the Grove Community District; providing for findings, determinations, ascertainment, intent, purpose, definitions, and policy; providing a charter; providing jurisdiction; providing boundaries; providing powers of the district; creating the district as a special, limited, and single-purpose independent district, an independent local government, and corporate body politic, to provide community development infrastructure; providing for authority, boundaries, jurisdiction, and charter amendment; providing for a governing board and terms of office and duties thereof; providing for elections; providing for a district manager; providing for bonds; providing for borrowing; providing for future transition to ad valorem taxation; providing for special assessments; providing for issuance of certificates of indebtedness; providing for tax liens; providing minimum charter requirements; providing for the applicability of and compliance with provisions of chapter 189, Florida Statutes, and other general laws; providing for election of an incorporation committee to review feasibility of incorporating the district as a municipality; providing for severability; providing for a referendum; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1271—A bill to be entitled An act relating to the Division of Alcoholic Beverages and Tobacco; amending s. 20.165, F.S.; requiring each employee serving as a law enforcement officer for the division to meet the qualifications of a law enforcement officer set forth in ch. 943, F.S., for employment or appointment; requiring each such employee to be certified as a law enforcement officer by the Department of Law Enforcement; providing the law enforcement officer with certain powers, authority, and jurisdiction; specifying the primary responsibility for law enforcement officers of the division; providing an effective date.

The State Administration Appropriations Committee recommended the following:

HB 1271 CS—A bill to be entitled An act relating to the Division of Alcoholic Beverages and Tobacco; amending s. 20.165, F.S.; requiring each employee serving as a law enforcement officer for the division to meet the qualifications of a law enforcement officer set forth in ch. 943, F.S., for employment or appointment; requiring each such employee to be certified as a law enforcement officer by the Department of Law Enforcement; providing the law enforcement officer with certain powers, authority, and jurisdiction; specifying the primary and secondary responsibilities for law enforcement officers of the division; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1115—A bill to be entitled An act relating to the South Florida Regional Transportation Authority; amending s. 343.54, F.S.; revising language relating to powers and duties of the authority; deleting the term "commuter rail"; amending s. 343.55, F.S.; providing pledge to bondholders that the state will not alter certain rights vested in the authority that affect the rights of bondholders while bonds are outstanding; amending s. 343.58, F.S.; revising provisions for funding of the authority; requiring counties served by the authority to annually transfer certain funds before a certain date; removing

provisions for sources of that funding; removing authorization for a vehicle registration tax; providing for certain funding by the state to fund capital and operating and maintenance expenses; revising county funding amounts to fund operations; providing for cessation of specified county funding contributions and providing for certain refunding of the contributions under certain circumstances; revising timeframe for repeal of specified funding provisions under certain circumstances; providing an effective date.

The Transportation Committee recommended the following:

HB 1115 CS—A bill to be entitled An act relating to the South Florida Regional Transportation Authority; amending s. 343.54, F.S.; revising language relating to powers and duties of the authority; deleting the term "commuter rail"; amending s. 343.55, F.S.; providing pledge to bondholders that the state will not alter certain rights vested in the authority that affect the rights of bondholders while bonds are outstanding; amending s. 343.58, F.S.; revising provisions for funding of the authority; requiring counties served by the authority to annually transfer certain funds before a certain date; removing provisions for sources of that funding; removing authorization for a vehicle registration tax; providing for a certain funding source for capital, operating, and maintenance expenses; revising county funding amounts to fund operations; providing for cessation of specified county funding contributions and providing for certain refunding of the contributions under certain circumstances; revising timeframe for repeal of specified funding provisions under certain circumstances; providing an effective date.

—was read the second time by title.

On motion by Rep. Greenstein, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative(s) Greenstein offered the following:

(Amendment Bar Code: 542833)

Amendment 1 (with title amendment)—Between lines 42 and 43, insert:

Section 2. The Legislature finds that a proper and legitimate state purpose is served in the effective and efficient planning and operation of a regional transportation system. Therefore, the Legislature determines and declares that this act fulfills an important state interest.

===== TITLE AMENDMENT =====

Remove line 53 and insert:

Administrative Procedure Act; providing a statement of important state interest; providing an effective date.

Rep. Greenstein moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 1117—A bill to be entitled An act relating to public records; creating s. 343.59, F.S.; providing an exemption from public records requirements for certain appraisal reports, offers, and counteroffers relating to land acquisition by the South Florida Regional Transportation Authority; providing that the exemption expires upon execution of a certain contract or at a certain time before a purchase contract or agreement is considered for approval; providing exceptions to the exemption; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

The Governmental Operations Committee recommended the following:

HB 1117 CS—A bill to be entitled An act relating to public records; creating s. 343.59, F.S.; providing an exemption from public records requirements for certain appraisal reports, offers, and counteroffers relating to land acquisition by the South Florida Regional Transportation Authority; providing that the exemption expires upon execution of a certain contract or

at a certain time before a purchase contract or agreement is considered for approval; providing exceptions to the exemption; providing for future legislative review and repeal; providing a finding of public necessity; providing a contingent effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

On motion by Rep. Smith, consideration of **HB 1589** was temporarily postponed.

HB 1509—A bill to be entitled An act relating to Flagler Estates Road and Water Control District, St. Johns County; amending chapter 98-529, Laws of Florida; providing additional powers of the district to construct, operate, maintain, repair, and replace works and improvements necessary to execute the district's water control plan; providing that the district may collect fees for connection to and use of the works of the district; specifying applicability of certain general law; revising district boundaries; providing an effective date.

The Local Government Council recommended the following:

HB 1509 CS—A bill to be entitled An act relating to Flagler Estates Road and Water Control District, St. Johns County; amending chapter 98-529, Laws of Florida; providing additional powers of the district to construct, operate, maintain, repair, and replace works and improvements necessary to execute the district's water control plan; specifying applicability of certain general law; providing for an interlocal agreement; revising district boundaries; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1527—A bill to be entitled An act relating to parental notification of termination of a minor's pregnancy; amending s. 390.01114, F.S.; amending a definition; providing procedural requirements for actual notice given by telephone; providing procedural requirements for certain waivers of notice; revising the procedures for judicial waiver of notice; revising evidentiary standards for a court determining judicial waiver of notice; providing factors with which a court determines whether a minor is sufficiently mature; revising the best interest standard; requiring the Supreme Court to include in reports reasons for judicial waiver of notice; providing for the application of mandatory child abuse reporting provisions; providing an effective date.

The Justice Council recommended the following:

HB 1527 CS—A bill to be entitled An act relating to parental notification of termination of a minor's pregnancy; amending s. 390.01114, F.S.; amending a definition; providing procedural requirements for actual notice given by telephone; providing procedural requirements for certain waivers of notice; revising the procedures for judicial waiver of notice; revising evidentiary standards for a court determining judicial waiver of notice; providing factors with which a court determines whether a minor is sufficiently mature; revising the best interest standard; requiring the Supreme Court to include in reports reasons for judicial waiver of notice; providing for the application of mandatory child abuse reporting provisions; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1165—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515, F.S.; authorizing certain members to purchase additional retirement credit to upgrade prior service to Special Risk Class service; providing for the calculation of contributions for such service upgrade; authorizing the employer to purchase such additional credit for the member; providing an effective date.

The State Administration Council recommended the following:

HB 1165 CS—A bill to be entitled An act relating to the Florida Retirement System; amending s. 121.0515, F.S.; authorizing certain members to purchase additional retirement credit to upgrade prior service to Special Risk Class service; providing for the calculation of contributions for such service upgrade; authorizing the employer to purchase such additional credit for the member; increasing a contribution rate for certain benefit change funding purposes; directing the Division of Statutory Revision to adjust contribution rates set forth in s. 121.71, F.S.; providing an appropriation; providing a declaration of important state interest; providing an effective date.

—was read the second time by title.

Representative Brummer offered the following:

(Amendment Bar Code: 804477)

Amendment 1 (with title amendment)—Between lines 41-42, insert:

Section 2. Paragraph (b) of subsection (4) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.--Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(4) DISABILITY RETIREMENT BENEFIT.--

(b) Total and permanent disability.--

1. Except as provided in subparagraph 2., a member shall be considered totally and permanently disabled if, in the opinion of the administrator, he or she is prevented, by reason of a medically determinable physical or mental impairment, from rendering useful and efficient service as an officer or employee.

2. A member of the Special Risk Class who is a law enforcement officer, firefighter, correctional officer, emergency medical technician, paramedic as described in s. 121.021(15)(c), community-based correctional probation officer as described in s. 121.021(15)(d)1., or nurse as described in s. 121.0515(2)(f), shall be considered totally and permanently disabled in the line of duty if he or she is prevented, by reason of a medically determinable physical or mental impairment caused by a job-related injury, from performing useful and efficient service in the position held, unless the administrator can provide competent medical evidence to the contrary.

===== T I T L E A M E N D M E N T =====

Remove line 12 and insert:

member; amending s. 121.091, F.S.; revising provisions relating to benefits payable for total and permanent disability for certain Special Risk Class members of the Florida Retirement System who are injured in the line of duty; increasing a contribution rate for certain benefit

Rep. Brummer moved the adoption of the amendment. Subsequently, **Amendment 1**, was withdrawn.

Representative Barreiro offered the following:

(Amendment Bar Code: 502167)

Amendment 2 (with title amendment)—Remove lines 42-53 and insert:

Section 2. Effective July 1, 2006, in order to fund the benefits provided under section 1 of this act, the contribution rate that applies to the Special Risk Class of the Florida Retirement System shall be increased by 0.01 percentage points. This increase shall be in addition to all other changes to such contribution rates that may be enacted into law to take effect on that date.

The Division of Statutory Revision is directed to adjust accordingly the contribution rates set forth in s. 121.71, Florida Statutes.

===== T I T L E A M E N D M E N T =====

Remove line 15 and insert:
in s. 121.71, F.S.; providing

Rep. Barreiro moved the adoption of the amendment, which was adopted.

Representative Richardson offered the following:

(Amendment Bar Code: 496919)

Amendment 3 (with directory and title amendments)—Remove line 53 and insert:
by section 1 of this act.

Section 4. Paragraph (f) is added to subsection (15) of section 121.021, Florida Statutes, to read:

121.021 Definitions.--The following words and phrases as used in this chapter have the respective meanings set forth unless a different meaning is plainly required by the context:

(15)

(f) Effective July 1, 2006, the term "special risk member" includes any member who is employed by the Department of Corrections or the Department of Children and Family Services and meets the special criteria set forth in s. 121.0515(2)(i).

Section 5. Subsection (2) of section 121.0515, Florida Statutes, is amended to read:

121.0515 Special risk membership.--

(2) CRITERIA.--A member, to be designated as a special risk member, must meet the following criteria:

(a) The member must be employed as a law enforcement officer and be certified, or required to be certified, in compliance with s. 943.1395; however, sheriffs and elected police chiefs shall be excluded from meeting the certification requirements of this paragraph. In addition, the member's duties and responsibilities must include the pursuit, apprehension, and arrest of law violators or suspected law violators; or the member must be an active member of a bomb disposal unit whose primary responsibility is the location, handling, and disposal of explosive devices; or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

(b) The member must be employed as a firefighter and be certified, or required to be certified, in compliance with s. 633.35 and be employed solely within the fire department of a local government employer or an agency of state government with firefighting responsibilities. In addition, the member's duties and responsibilities must include on-the-scene fighting of fires, fire prevention, or firefighter training; direct supervision of firefighting units, fire prevention, or firefighter training; or aerial firefighting surveillance performed by fixed-wing aircraft pilots employed by the Division of Forestry of the Department of Agriculture and Consumer Services; or the member must be the supervisor or command officer of a member or members who have such responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included and further provided that all periods of creditable service in fire prevention or firefighter training, or as the supervisor or command officer of a member or members who have such responsibilities, and for which the employer paid the special risk contribution rate, shall be included;

(c) The member must be employed as a correctional officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the custody, and physical restraint when necessary, of prisoners or inmates within a prison, jail, or other criminal detention facility, or while on work detail outside the facility, or while being transported; or the member must be the supervisor or command officer of a member or members who have such

responsibilities; provided, however, administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal, and personnel, shall not be included; however, wardens and assistant wardens, as defined by rule, shall participate in the Special Risk Class;

(d) The member must be employed by a licensed Advance Life Support (ALS) or Basic Life Support (BLS) employer as an emergency medical technician or a paramedic and be certified in compliance with s. 401.27. In addition, the member's primary duties and responsibilities must include on-the-scene emergency medical care or direct supervision of emergency medical technicians or paramedics, or the member must be the supervisor or command officer of one or more members who have such responsibility. However, administrative support personnel, including, but not limited to, those whose primary responsibilities are in accounting, purchasing, legal, and personnel, shall not be included;

(e) The member must be employed as a community-based correctional probation officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the supervised custody, surveillance, control, investigation, and counseling of assigned inmates, probationers, parolees, or community controllees within the community; or the member must be the supervisor of a member or members who have such responsibilities. Administrative support personnel, including, but not limited to, those whose primary duties and responsibilities are in accounting, purchasing, legal services, and personnel management, shall not be included; however, probation and parole circuit and deputy circuit administrators shall participate in the Special Risk Class;

(f) The member must be employed in one of the following classes and must spend at least 75 percent of his or her time performing duties which involve contact with patients or inmates in a correctional or forensic facility or institution:

1. Dietitian (class codes 5203 and 5204);
2. Public health nutrition consultant (class code 5224);
3. Psychological specialist (class codes 5230 and 5231);
4. Psychologist (class code 5234);
5. Senior psychologist (class codes 5237 and 5238);
6. Regional mental health consultant (class code 5240);
7. Psychological Services Director--DCF (class code 5242);
8. Pharmacist (class codes 5245 and 5246);
9. Senior pharmacist (class codes 5248 and 5249);
10. Dentist (class code 5266);
11. Senior dentist (class code 5269);
12. Registered nurse (class codes 5290 and 5291);
13. Senior registered nurse (class codes 5292 and 5293);
14. Registered nurse specialist (class codes 5294 and 5295);
15. Clinical associate (class codes 5298 and 5299);
16. Advanced registered nurse practitioner (class codes 5297 and 5300);
17. Advanced registered nurse practitioner specialist (class codes 5304 and 5305);
18. Registered nurse supervisor (class codes 5306 and 5307);
19. Senior registered nurse supervisor (class codes 5308 and 5309);
20. Registered nursing consultant (class codes 5312 and 5313);
21. Quality management program supervisor (class code 5314);
22. Executive nursing director (class codes 5320 and 5321);
23. Speech and hearing therapist (class code 5406); or
24. Pharmacy manager (class code 5251);

(g) The member must be employed as a youth custody officer and be certified, or required to be certified, in compliance with s. 943.1395. In addition, the member's primary duties and responsibilities must be the supervised custody, surveillance, control, investigation, apprehension, arrest, and counseling of assigned juveniles within the community; or

(h) The member must be employed by a law enforcement agency or medical examiner's office in a forensic discipline recognized by the International Association for Identification and must qualify for active membership in the International Association for Identification. The member's primary duties and responsibilities must include the collection, examination, preservation, documentation, preparation, or analysis of physical evidence or

testimony, or both, or the member must be the direct supervisor, quality management supervisor, or command officer of one or more individuals with such responsibility. Administrative support personnel, including, but not limited to, those whose primary responsibilities are clerical or in accounting, purchasing, legal, and personnel, shall not be included; or:

(i) The member must be employed by the Department of Corrections or the Department of Children and Family Services with the following specified primary duties and responsibilities in one of the following positions:

1. Licensed practical nurses whose primary duties and responsibilities include administering medication during scheduled times, and as otherwise directed; and providing routine practical nursing care, including assistance with resident personal hygiene, feeding, vital signs, first aid, dressing changes, irrigations, and enemas.

2. Unit treatment and rehabilitation specialists whose primary duties and responsibilities include providing direct patient care to mental health residents by participation in therapy sessions, activity programs, personal hygiene, and individualized treatment; maintaining a secure and therapeutic environment; monitoring residents' progress, and implementing specialized treatments as directed by the treatment team; supervising residents in recreational or cultural activities; coordinating clinic visits for residents and assisting nurses when necessary; and writing and reading daily notes on residents' behavior, reviewing daily program notes, shift reports, and logs; and keeping current on all changes in the residents' records.

3. Behavioral program specialists whose primary duties and responsibilities include maintaining a safe, secure, and therapeutic environment by implementing specialized behavior control techniques; working closely with other staff to reduce seclusion hours; directly supervising all unit treatment and rehabilitative specialists; and writing required performance appraisals and other feedback on supervised staff in a timely manner.

4. Unit treatment and rehabilitative senior supervisors whose primary duties and responsibilities include either:

a. Directly supervising all unit treatment and rehabilitative specialists at a treatment building or in multiple buildings; reviewing progress notes and assigning and coordinating unit treatment and rehabilitative specialist activities; handling all emergency situations on shift; and participating in or conducting therapy sessions; or

b. Directly supervising other unit treatment and rehabilitative senior supervisors or behavioral program specialists; coordinating activities for consistency from shift to shift; preparing or implementing work schedules for assigned buildings to ensure minimum coverage; approving leave and schedule changes; disseminating information, policies, and communications to treatment staff; serving as liaison between counselors and treatment staff; and supervising and evaluating volunteers and interns.

5. Rehabilitation therapists whose primary duties and responsibilities include supervising and coordinating resident work programs to include such duties as vocational evaluation and counseling of residents for placement in classroom or job site training; monitoring residents in their attainment of occupational skills by means of on-the-job training and classroom instruction; and directly supervising resident groundskeepers.

6. Human service workers whose primary duties and responsibilities include either:

a. Maintaining the resident building to meet the sanitation, safety, and infection control standards; serving meals; conducting room checks and face counts; and escorting residents to medical and other appointments as assigned; or

b. Assisting residents with their daily living activities; admitting residents into the unit; assisting with discharges; completing resident assessments and other forms as needed; and assisting with therapeutic activities as assigned.

In addition, the performance of these duties by the member must require the member to spend at least 75 percent of his or her time in contact with patients or inmates in a correctional or forensic facility or institution.

===== T I T L E A M E N D M E N T =====

Remove line 15 and insert:

in s. 121.71, F.S.; providing an appropriation; amending ss. 121.021 and 121.0515, F.S.; providing membership in the Special Risk Class for persons employed by the Department of Corrections or the Department of Children and Family Services as certain treatment and rehabilitation personnel; providing

Rep. Richardson moved the adoption of the amendment. Subsequently, **Amendment 3**, was withdrawn.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 1465—A bill to be entitled An act relating to speed limit enforcement on state roads; creating s. 316.1893, F.S.; providing legislative intent; providing for establishment by the Department of Transportation of enhanced penalty zones on state roads; authorizing the department to set speed limits within those zones; directing the department to adopt a uniform system of traffic control devices to be used within the zones; prohibiting operation of a vehicle at a speed greater than that posted in the enhanced penalty zone; directing the Department of Highway Safety and Motor Vehicles to tabulate citations issued within enhanced penalty zones and make available certain information; directing the Department of Transportation, the Department of Highway Safety and Motor Vehicles, and the Department of Education to conduct a study and report to the Governor and the Legislature for certain purposes; amending s. 318.18, F.S.; removing a condition for an increased penalty for violation of posted speed in a construction zone; providing penalties for violation of posted speed in an enhanced penalty zone; amending s. 318.21, F.S.; correcting cross-references to conform to changes made by the act; reenacting ss. 318.14(2), (5), and (9), 318.15(1)(a) and (2), 318.21(7), 402.40(4)(b), and 985.406(4)(b), F.S., relating to noncriminal traffic infraction procedures, failure to comply with civil penalty or to appear, disposition of civil penalties by county courts, child welfare training, and juvenile justice training academies, respectively, for the purpose of incorporating the amendment made to s. 318.18, F.S., in references thereto; providing an effective date.

The State Infrastructure Council recommended the following:

HB 1465 CS—A bill to be entitled An act relating to speed limit enforcement on state roads; creating s. 316.1893, F.S.; providing legislative intent; creating a pilot program for establishment by the Department of Transportation of enhanced penalty zones on state roads in certain counties; providing for future review and repeal of the pilot program; authorizing the department to set speed limits within enhanced penalty zones; directing the department to adopt a uniform system of traffic control devices to be used within the zones; prohibiting operation of a vehicle at a speed greater than that posted in the enhanced penalty zone; directing the Department of Highway Safety and Motor Vehicles to tabulate citations issued within enhanced penalty zones and make available certain information; directing the Department of Transportation, the Department of Highway Safety and Motor Vehicles, and the Department of Education to conduct a study and report to the Governor and the Legislature for certain purposes; amending s. 318.18, F.S.; specifying criteria for posting in a construction zone; providing penalties for violation of posted speed in an enhanced penalty zone; amending s. 318.21, F.S.; correcting cross-references to conform to changes made by the act; providing for disposition of fines collected; reenacting ss. 318.14(2), (5), and (9), 318.15(1)(a) and (2), 318.21(7), 402.40(4)(b), and 985.406(4)(b), F.S., relating to noncriminal traffic infraction procedures, failure to comply with civil penalty or to appear, disposition of civil penalties by county courts, child welfare training, and juvenile justice training academies, respectively, for the purpose of incorporating the amendment made to s. 318.18, F.S., in references thereto; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 65—A bill to be entitled An act relating to residential foreclosure proceedings; creating s. 45.0311, F.S.; providing a definition; providing requirements and procedures for disbursement of surplus funds from a

judicial sale; authorizing a court to determine reasonable attorney's fees for motions to disburse surplus funds; providing a right of certain parties to petition a court to set aside certain deeds or assignments under certain circumstances; entitling certain parties to recover all fees and costs incurred in certain surplus funds proceedings; providing for the court to determine reasonable attorney's fees in such proceedings; creating s. 48.184, F.S.; specifying a required notice form to be served with a summons and complaint in actions to foreclose an interest in a mortgagor's primary dwelling; requiring the notice to be included in the service of process; requiring certain verification of service; amending s. 48.21, F.S.; specifying an additional notice requirement for return of service of process forms made for foreclosures of a mortgagor's primary dwelling; authorizing a clerk of court to collect a fee for attempts of service of process; requiring the clerk of court to use fee proceeds for certain public education purposes; amending s. 49.08, F.S.; requiring certain notices of action to contain an additional notice of potential surplus and application procedures information; creating s. 501.2078, F.S.; providing definitions; providing a civil penalty for knowingly using unfair or deceptive homeowner victimization methods, acts, or practices in residential foreclosure proceedings; specifying a time period during which a person may not contact a homeowner for certain purposes; specifying higher priority of an order of restitution or reimbursement over imposition of a civil penalty; providing for deposit of civil penalties into the Legal Affairs Revolving Trust Fund of the Department of Legal Affairs; allocating such funds for certain purposes; specifying nonapplication to certain encumbrances, deeds, or actions; amending s. 702.035, F.S.; limiting certain costs chargeable in a foreclosure proceeding; amending s. 201.02, F.S.; correcting a cross-reference; providing an effective date.

The Justice Council recommended the following:

HB 65 CS—A bill to be entitled An act relating to foreclosure proceedings; amending s. 45.031, F.S.; revising procedures and requirements for judicial sales; creating s. 45.032, F.S.; providing for disbursement of surplus funds after a judicial sale; providing definitions; establishing a rebuttable presumption of entitlement to surplus funds in certain filings; providing legislative intent; providing requirements and procedures for disbursement of surplus funds by the clerk of court; providing for appointment of a surplus trustee under certain circumstances; providing for notice of appointment; providing for termination of appointment; providing for treatment of surplus funds as unclaimed property under certain circumstances; providing construction relating to title of property in a foreclosure sale; creating s. 45.033, F.S.; providing for a sale or assignment of rights to surplus funds in a property subject to foreclosure; establishing a rebuttable presumption of entitlement to surplus funds; providing requirements for proof; providing legislative intent; providing requirements for rebutting the presumption; providing requirements for transfers or assignments of surplus funds; providing duties and authority of a court in payment of surplus funds under a transfer or assignment; providing for nonapplication to certain instruments; specifying absence of effect on title or marketability of certain property or validity of certain liens; creating s. 45.034, F.S.; providing qualifications for appointment as a surplus trustee by the Department of Financial Services; providing requirements for appointment as a surplus trustee; providing for application and renewal fees; providing duties of the department in certifying surplus trustees; requiring the department to establish a rotation system for assignment of cases to surplus trustees; providing duties of a surplus trustee; providing entitlement of a surplus trustee to certain service charges and fees;

creating s. 45.035, F.S.; specifying service charges for clerks of court for administering judicial sales and surplus funds; amending s. 50.031, F.S.; specifying different newspaper legal notice and process requirements for counties of different population sizes; creating s. 501.2078, F.S.; providing definitions; providing a civil penalty for knowingly using unfair or deceptive homeowner victimization methods, acts, or practices in residential foreclosure proceedings; specifying higher priority of an order of restitution or reimbursement over imposition of a civil penalty; providing for deposit of civil penalties into the Legal Affairs Revolving Trust Fund of the Department of Legal Affairs; allocating such funds for certain purposes; specifying nonapplication to certain encumbrances, deeds, or actions; amending s. 702.035, F.S.; limiting certain costs chargeable in a foreclosure proceeding; amending s. 201.02, F.S.; correcting a cross-reference; providing an effective date.

—was read the second time by title.

Representative(s) Porth offered the following:

(Amendment Bar Code: 439807)

Amendment 1—Remove line(s) 70-114 and insert:

(1) FINAL JUDGMENT SALE BY CLERK.--

(a) In the order or final judgment, the court shall direct the clerk to sell the property at public sale on a specified day that shall be not less than 20 days or more than 35 days after the date thereof, on terms and conditions specified in the order or judgment. A sale may be held more than 35 days after the date of final judgment or order if the plaintiff or plaintiff's attorney consents to such time. The final judgment shall contain the following statement in conspicuous type:

IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THIS FINAL JUDGMENT.

IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN 60 DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

(b) If the property being foreclosed on has qualified for the homestead tax exemption in the most recent approved tax roll, the final judgment shall additionally contain the following statement in conspicuous type:

IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK WITH THE CLERK OF THE COURT, [INSERT INFORMATION FOR APPLICABLE COURT] WITHIN TEN (10) DAYS AFTER THE SALE TO SEE IF THERE IS ADDITIONAL MONEY FROM THE FORECLOSURE SALE THAT THE CLERK HAS IN THE REGISTRY OF THE COURT.

IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT YOU ARE NOT TRANSFERRING YOUR PROPERTY OR THE EQUITY IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION. IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT (INSERT LOCAL OR NEAREST LEGAL AID OFFICE AND TELEPHONE PHONE NUMBER) TO SEE IF YOU

QUALIFY FINANCIALLY FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, THEY MAY BE ABLE TO REFER YOU TO A LOCAL BAR REFERRAL AGENCY OR SUGGEST OTHER OPTIONS. IF YOU CHOOSE TO CONTACT (NAME OF LOCAL OR NEAREST LEGAL AID OFFICE) FOR ASSISTANCE, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

(c) A copy of the final judgment shall be furnished by the clerk by

Rep. Porth moved the adoption of the amendment, which was adopted.

Representative(s) Porth offered the following:

(Amendment Bar Code: 144069)

Amendment 2—Remove line 498 and insert:

Section 4. Effective upon this act becoming a law, section 45.034, Florida Statutes, is created to 45.034, Florida Statutes, is created to

Rep. Porth moved the adoption of the amendment, which was adopted.

Representative(s) Mahon offered the following:

(Amendment Bar Code: 631409)

Amendment 3 (with title amendment)—Remove line(s) 591-639

===== T I T L E A M E N D M E N T =====

Remove line(s) 43-46 and insert:

administering judicial sales and surplus funds; creating s. 501.2078, F.S.; providing

Rep. Mahon moved the adoption of the amendment, which was adopted.

Representative(s) Mahon offered the following:

(Amendment Bar Code: 783873)

Amendment 4 (with title amendment)—Remove line(s) 701 and insert: publication, or notice. For counties with more than 1 million total population as reflected in the most recent Official Decennial Census of the United States Census Bureau as shown on the official website of the United States Census Bureau, any notice of publication required by this section shall be deemed to have been published in accordance with the law if the notice is published in a newspaper that has been entered as a periodical matter at a post office in the county in which the newspaper is published, is published a minimum of 5 days a week, and has been in existence and published a minimum of 5 days a week for 1 year or is a direct successor to a newspaper that has been in existence for 1 year that has been published a minimum of 5 days a week. The advertisement, publication, or

===== T I T L E A M E N D M E N T =====

Remove line 56 and insert:

or actions; amending s. 702.035, F.S.; specifying different newspaper legal notice and process requirements for counties above a certain population size; limiting certain

Rep. Mahon moved the adoption of the amendment, which was adopted.

Representative(s) Porth offered the following:

(Amendment Bar Code: 609797)

Amendment 5 (with title amendment)—Remove line 719 and insert:

Section 10. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove lines 58 and 59 and insert:

201.02, F.S.; correcting a cross-reference; providing effective dates.

Rep. Porth moved the adoption of the amendment, which was adopted.

On motion by Rep. Porth, the rules were waived and HB 65 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 981

Representative Smith in the Chair.

Yeas—117

Adams	Culp	Homan	Quinones
Allen	Cusack	Hukill	Reagan
Altman	Davis, D.	Jennings	Rice
Ambler	Davis, M.	Johnson	Richardson
Anderson	Dean	Jordan	Rivera
Antone	Detert	Joyner	Robaina
Arza	Domino	Justice	Roberson
Attkisson	Evers	Kottkamp	Rubio
Ausley	Farkas	Kravitz	Russell
Barreiro	Fields	Kyle	Ryan
Baxley	Flores	Legg	Sands
Bean	Galvano	Littlefield	Sansom
Bendross-Mindingall	Gannon	Llorente	Seiler
Bense	Garcia	Lopez-Cantera	Simmons
Benson	Gardiner	Machek	Slosberg
Berfield	Gelber	Mahon	Smith
Bilirakis	Gibson, A.	Mayfield	Sobel
Bogdanoff	Gibson, H.	McInvale	Sorensen
Bowen	Glorioso	Meadows	Stansel
Brandenburg	Goldstein	Mealor	Stargel
Brown	Goodlette	Murzin	Taylor
Brummer	Gottlieb	Needelman	Traviesa
Brutus	Grant	Negron	Troutman
Bucher	Greenstein	Patterson	Vana
Bullard	Grimsley	Peterman	Waters
Cannon	Harrell	Pickens	Williams
Carroll	Hasner	Planas	Zapata
Clarke	Hays	Poppell	
Coley	Henriquez	Porth	
Cretul	Holloway	Proctor	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

THE SPEAKER IN THE CHAIR

HB 1589—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating the Homeownership for All license plate; establishing an annual use fee for the plate; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

The State Infrastructure Council recommended the following:

HB 1589 CS—A bill to be entitled An act relating to specialty license plates; amending s. 320.08056, F.S.; revising specialty license plate use fee provisions to change a name; establishing an annual use fee for the Homeownership for All license plate; exempting collegiate license plates from discontinuance requirements; amending s. 320.08058, F.S.; revising authorized uses of the use fees received from sales of the Keep Kids Drug-Free license plate; changing the name of the Florida Memorial College license plate to the Florida Memorial University license plate; revising authorized uses of the use fees received from sales of the Sportsmen's National Land Trust license plate; creating the Homeownership for All license plate and providing for distribution of the fees received from sales of the plate; amending s. 320.0807, F.S.; creating special license plates for legislative presiding officers; providing an effective date.

—was read the second time by title.

Representative(s) Smith offered the following:

(Amendment Bar Code: 703911)

Amendment 1 (with title amendment)—Remove line(s) 35-103 and insert:

(eee) Homeownership For All license plate, \$25.

(8)(a) The department must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter shall be mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 1,000 plates. The provisions of this subsection do not apply to collegiate license plates established pursuant to s. 320.08058(3).

Section 2. Subsections (23), (26), and (48) of section 320.08058, Florida Statutes, are amended, and subsection (57) is added to that section, to read:

320.08058 Specialty license plates.--

(23) KEEP KIDS DRUG-FREE LICENSE PLATES.--

(a) The department shall develop a Keep Kids Drug-Free license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "Keep Kids Drug-Free" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Keep Kids Drug-Free Foundation, Inc., which shall use the fees to fund activities to reduce substance abuse among residents of this state. The foundation shall develop a plan to distribute the funds for drug-abuse prevention programs.

(c) Notwithstanding s. 320.08062, up to 10 percent of the proceeds from the annual use fee may be used for marketing the Keep Kids Drug-Free license plate and for administrative costs directly related to the management and distribution of the proceeds.

(26) FLORIDA MEMORIAL UNIVERSITY ~~COLLEGE~~ LICENSE PLATES.--

(a) The department shall develop a Florida Memorial University ~~College~~ license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "Florida Memorial University ~~College~~" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to Florida Memorial University ~~College~~.

(48) SPORTSMEN'S NATIONAL LAND TRUST LICENSE PLATES.--

(a) The department shall develop a Sportsmen's National Land Trust license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "Sportsmen's National Land Trust" must appear at the bottom of the plate.

(b) The annual revenues from the sales of the license plate shall be distributed to the Sportsmen's National Land Trust. Such annual revenues must be used by the trust in the following manner:

1. Fifty percent may be retained until ~~fifty percent of~~ all startup costs for developing and establishing the plate have been recovered.

2. Twenty-five percent must be used to fund programs and projects within the state that preserve open space and wildlife habitat, promote conservation, improve wildlife habitat, and establish open space for the perpetual use of the public.

3. Twenty-five percent may be used for promotion, marketing, and administrative costs directly associated with operation of the trust.

(c) When the provisions of subparagraph (b)1. are met, those annual revenues shall be used for the purposes of subparagraph (b)2.

(57) HOMEOWNERSHIP FOR ALL LICENSE PLATES.--

(a) The department shall develop a Homeownership For All license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "Support Homeownership For All" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to Homeownership For All, Inc., which may use a maximum of 10 percent of the proceeds to promote and market the plate. The remainder of the proceeds shall be used by Homeownership For

===== TITLE AMENDMENT =====

Remove line(s) 9-18 and insert:

fee for the Homeownership For All license plate; exempting collegiate license plates from discontinuance requirements; amending s. 320.08058, F.S.; revising authorized uses of the use fees received from sales of the Keep Kids Drug-Free license plate; changing the name of the Florida Memorial College license plate to the Florida Memorial University license plate; revising authorized uses of the use fees received from sales of the Sportsmen's National Land Trust license plate; creating the Homeownership For All license plate and providing for

Rep. Smith moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 161—A bill to be entitled An act relating to mold remediation and assessment; creating s. 489.1134, F.S.; providing educational requirements and procedural requirements for mold remediation certification; providing for discipline; requiring review of mold remediation training programs; requiring a person certified under this section to be present on certain job sites; assigning responsibility for workforce compliance; requiring compliance; providing definitions; creating s. 501.933, F.S.; providing definitions; providing requirements for practice as a mold assessor; providing exemptions; providing prohibited acts and penalties; requiring that mold assessors maintain liability insurance; providing that mold assessors do not have a duty to provide repair cost estimates; providing limitations; providing for enforcement of violations; creating s. 501.934, F.S.; providing definitions; providing requirements for practice as a noncontracting mold remediator; providing exemptions; providing prohibited acts and penalties; requiring that noncontracting mold remediators maintain liability insurance; providing limitations; providing for enforcement of violations; providing legislative findings and intent with respect to the objectives of the act and protection of homeowners; providing an effective date.

The Commerce Council recommended the following:

HB 161 CS—A bill to be entitled An act relating to building assessment and remediation; creating pt. XV of ch. 468, F.S., relating to regulation of mold assessment and mold remediation; providing legislative intent; providing definitions; providing requirements for practice of mold assessment or mold remediation; providing exemptions; providing for prohibited acts and penalties; providing insurance requirements; providing for contracts to perform mold assessment or mold remediation; providing a statute of limitations; providing a grandfather clause; creating pt. XVI of ch. 468, F.S., relating to regulation of home inspection services; providing definitions; providing requirements for practice; providing exemptions; providing prohibited acts and penalties; requiring liability insurance; exempting certain persons from duty to provide repair cost estimates; providing a statute of limitations; providing a grandfather clause; providing an effective date.

—was read the second time by title.

On motion by Rep. Domino, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative(s) Domino and Zapata offered the following:

(Amendment Bar Code: 750777)

Amendment 1 (with title amendment)—Remove lines 73-369 and insert: occupational safety, or a related field of science from an accredited institution, along with a minimum of 1 year of documented field experience in a field related to mold remediation, or a high school diploma, a GED, or the equivalent with a minimum of 2 years of documented field experience in a field related to mold remediation.

2. For a mold assessor, at least a 2-year degree in microbiology, engineering, architecture, industrial hygiene, occupational safety, or a related field of science from an accredited institution, along with a minimum of 1 year

of documented field experience in conducting microbial sampling or investigations, or a high school diploma, a GED, or the equivalent with a minimum of 2 years of documented field experience in conducting microbial sampling or investigations.

(b) A certification related to performing mold assessment or mold remediation, respectively. Such certification may be issued by a not-for-profit industry association, society, or certification body or by a college or university that offers mold assessment or mold remediation training or education, respectively. Qualified certification programs shall be accredited by a nationally recognized independent accrediting entity that sets programs and standards that comply with American Society for Testing and Materials Standard E1929-98, Standard Practice for Assessment of Certification Programs for Environmental Professionals: Accreditation Criteria, or the equivalent.

(2) A business entity may not provide or offer to provide mold assessment or mold remediation services unless the business entity satisfies all of the requirements of this part.

468.833 Exemptions.--

(1) The following persons are not required to comply with this part with regard to any mold assessment:

(a) A residential property owner who performs mold assessment on his or her own property.

(b) A person who performs mold assessment on property owned or leased by the person, the person's employer, or an entity affiliated with the person's employer through common ownership, or on property operated or managed by the person's employer or an entity affiliated with the person's employer through common ownership. This exemption does not apply if the person, employer, or affiliated entity engages in the business of performing mold assessment for the public.

(c) An employee of a mold assessor while directly supervised by the mold assessor.

(d) Individuals or business organizations that are not specifically engaged in mold assessment but are acting within the scope of the respective licenses required under chapter 471, part I of chapter 481, chapter 482, or chapter 489, are acting on behalf of an insurer under part VI of chapter 626, or are individuals in the manufactured housing industry who are licensed under chapter 320.

(e) An authorized employee of the United States, this state, or any municipality, county, or other political subdivision, or public or private school, who meets the requirements of s. 468.832 and who is conducting mold assessment within the scope of that employment, as long as the employee does not hold out for hire or otherwise engage in mold assessment.

(2) The following persons are not required to comply with this part with regard to any mold remediation:

(a) A residential property owner who performs mold remediation on his or her own property.

(b) A person who performs mold remediation on property owned or leased by the person, the person's employer, or an entity affiliated with the person's employer through common ownership, or on property operated or managed by the person's employer or an entity affiliated with the person's employer through common ownership. This exemption does not apply if the person, employer, or affiliated entity engages in the business of performing mold remediation for the public.

(c) An employee of a mold remediator while directly supervised by the mold remediator.

(d) Individuals or business organizations that are not specifically engaged in mold remediation but that are acting within the scope of the respective licenses required under chapter 471, part I of chapter 481, chapter 482, or chapter 489, are acting on behalf of an insurer under part VI of chapter 626, or are individuals in the manufactured housing industry who are licensed under chapter 320.

(e) An authorized employee of the United States, this state, or any municipality, county, or other political subdivision, or public or private school, who meets the requirements of s. 468.832 and who is conducting mold remediation within the scope of that employment, as long as the employee does not hold out for hire or otherwise engage in mold remediation.

468.834 Prohibited acts; penalties.--

(1) A mold assessor, a company that employs a mold assessor, or a company that is controlled by a company that also has a financial interest in a company employing a mold assessor may not:

(a) Perform or offer to perform any mold assessment without complying with the requirements of this part.

(b) Perform or offer to perform any mold remediation to a structure on which the mold assessor or the mold assessor's company provided a mold assessment within the last 12 months.

(c) Inspect for a fee any property in which the assessor or the assessor's company has any financial or transfer interest.

(d) Accept any compensation, inducement, or reward from a mold remediator or mold remediator's company for the referral of any business to the mold remediator or the mold remediator's company.

(e) Offer any compensation, inducement, or reward to a mold remediator or mold remediator's company for the referral of any business from the mold remediator or the mold remediator's company.

(f) Accept an engagement to make an omission of the assessment or conduct an assessment in which the assessment itself, or the fee payable for the assessment, is contingent upon the conclusions of the assessment.

(2) A mold remediator, a company that employs a mold remediator, or a company that is controlled by a company that also has a financial interest in a company employing a mold remediator may not:

(a) Perform or offer to perform any mold remediation without complying with the requirements of this part.

(b) Perform or offer to perform any mold assessment as defined in s. 468.831.

(c) Remediate for a fee any property in which the mold remediator or the mold remediator's company has any financial or transfer interest.

(d) Accept any compensation, inducement, or reward from a mold assessor or mold assessor's company for the referral of any business from the mold assessor or the mold assessor's company.

(e) Offer any compensation, inducement, or reward to a mold assessor or mold assessor's company for the referral of any business from the mold assessor or the mold assessor's company.

(3) Any person who violates any provision of this section commits:

(a) A misdemeanor of the second degree for a first violation, punishable as provided in s. 775.082 or s. 775.083.

(b) A misdemeanor of the first degree for a second violation, punishable as provided in s. 775.082 or s. 775.083.

(c) A felony of the third degree for a third or subsequent violation, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

468.835 Insurance.--

(1) Effective January 1, 2007, a mold assessor must maintain general liability and errors and omissions insurance coverage in an amount of not less than \$250,000.

(2) Effective January 1, 2007, a mold remediator must maintain general liability insurance policy in an amount of not less than \$500,000 that includes specific coverage for mold related claims.

468.836 Contracts.--A contract to perform mold assessment or mold remediation must be in a document or electronic record, signed or otherwise authenticated by the parties. A mold assessment contract is not required to provide estimates related to the cost of repair of an assessed property. A mold assessment contract is not required to provide estimates.

468.837 Statute of limitations.--Chapter 95 governs the time at which an action to enforce an obligation, a duty, or a right arising under this part must be commenced.

468.838 Grandfather clause.--The provisions of this part shall become effective upon becoming law and shall allow for a period of 2 years after enactment in which persons currently performing mold assessment or mold remediation as described under this part have to complete the requirements of this part.

===== TITLE AMENDMENT =====

Remove lines 15-22 and insert:
limitations; providing a grandfather clause; providing an effective

Rep. Domino moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 471—A bill to be entitled An act relating to hunter safety; amending s. 372.5717, F.S.; authorizing the Fish and Wildlife Conservation Commission to defer the hunter safety course requirement for a specified time period and issue a restricted hunting license; limiting the number of deferrals an individual is allowed; permitting hunting with a restricted license under certain circumstances; deleting the mandatory minimum number of instructional hours for the required hunter safety course; providing exemptions for the display of hunter safety certification; providing an effective date.

The Criminal Justice Committee recommended the following:

HB 471 CS—A bill to be entitled An act relating to fish and wildlife; amending s. 370.01, F.S.; defining the term "commercial harvester"; amending s. 370.021, F.S.; providing for base penalties; conforming penalty provisions for commercial harvesters; providing penalties for persons other than commercial harvesters; amending s. 370.028, F.S.; conforming penalty provisions; amending s. 370.061, F.S.; correcting a cross-reference; amending ss. 370.063, 370.08, 370.081, 370.1105, 370.1121, 370.13, 370.135, 370.14, and 370.142, F.S.; conforming penalty provisions for commercial harvesters; providing penalties for persons other than commercial harvesters; amending s. 372.57, F.S.; specifying seasonal recreational activities for which a license or permit is required; increasing fees for certain licenses to conform; providing fees for crossbow and archery season permits; providing for crossbow and archery season permits; providing penalties for the production, possession, and use of fraudulent fishing and hunting licenses; providing penalties for the taking of game and fish with a suspended or revoked license; amending s. 372.5704, F.S.; conforming penalty provisions; amending ss. 372.571 and 372.573, F.S.; correcting cross-references; amending s. 372.5717, F.S.; authorizing the Fish and Wildlife Conservation Commission to defer the hunter safety education course requirement for a specified time period and for a specified number of times; providing for special authorization and conditions to hunt using a hunter safety education deferral; deleting the mandatory minimum number of instructional hours for persons required to take the hunter safety education course; providing an exemption for the display of hunter safety education certificates; providing penalties; amending s. 372.83, F.S.; revising the penalties for violations of rules, orders, and regulations of the Fish and Wildlife Conservation Commission; creating penalties for recreational violations of certain saltwater fishing regulations established in ch. 370, F.S.; providing for court appearances in certain circumstances; providing for Level One, Level Two, Level Three, and Level Four offenses; providing for enhanced penalties for multiple violations; providing for suspension and revocation of licenses and permits, including exemptions from licensing and permit requirements; defining the term "conviction" for purposes of penalty provisions; creating s. 372.935, F.S.; providing penalties for violations involving captive wildlife and poisonous or venomous reptiles; specifying violations that constitute noncriminal infractions or second degree misdemeanors; amending ss. 372.26, 372.265, 372.661, 372.662, 372.667, 372.705, 372.988, 372.99022, 372.99, and 372.9903, F.S.; conforming penalty provisions; creating s. 372.831, F.S.; creating the Wildlife Violators Compact; providing findings and purposes; providing definitions; providing procedures for states issuing citations for wildlife violations; providing requirements for the home state of a violator; providing for reciprocal recognition of a license suspension; providing procedures for administering the compact; providing for entry into and withdrawal from the compact; providing for construction of the compact and for severability; creating s. 372.8311, F.S.; providing for enforcement of the compact by the Fish and Wildlife Conservation Commission; providing that a suspension under the compact is subject to limited review under ch. 120, F.S.; providing that actions taken by another state or its courts are not reviewable; repealing s. 372.711, F.S., relating to noncriminal infractions; repealing s. 372.912, F.S., relating to organized poisonous reptile hunts; providing an effective date.

—was read the second time by title.

Representative Troutman offered the following:

(Amendment Bar Code: 059427)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Present subsections (5) through (28) of section 370.01, Florida Statutes, are redesignated as subsections (6) through (29), respectively, and a new subsection (5) is added to that section, to read:

370.01 Definitions.—In construing these statutes, where the context does not clearly indicate otherwise, the word, phrase, or term:

(5) "Commercial harvester" means any person, firm, or corporation that takes, harvests, or attempts to take or harvest saltwater products for sale or with intent to sell; that is operating under or is required to operate under a license or permit or authorization issued pursuant to this chapter; that is using gear that is prohibited for use in the harvest of recreational amounts of any saltwater product being taken or harvested; or that is harvesting any saltwater product in an amount that is at least two times the recreational bag limit for the saltwater product being taken or harvested.

Section 2. Subsections (1), (2), (4), (5), (6), and (12) of section 370.021, Florida Statutes, are amended to read:

370.021 Administration; rules, publications, records; penalties; injunctions.—

(1) **BASE PENALTIES.**—Unless otherwise provided by law, any person, firm, or corporation who ~~violates~~ ~~is convicted for violating~~ any provision of this chapter, or any rule of the Fish and Wildlife Conservation Commission relating to the conservation of marine resources, shall be punished:

(a) Upon a first conviction, by imprisonment for a period of not more than 60 days or by a fine of not less than \$100 nor more than \$500, or by both such fine and imprisonment.

(b) On a second or subsequent conviction within 12 months, by imprisonment for not more than 6 months or by a fine of not less than \$250 nor more than \$1,000, or by both such fine and imprisonment.

Upon final disposition of any alleged offense for which a citation for any violation of this chapter or the rules of the commission has been issued, the court shall, within 10 days, certify the disposition to the commission.

(2) **MAJOR VIOLATIONS.**—In addition to the penalties provided in paragraphs (1)(a) and (b), the court shall assess additional penalties against any commercial harvester ~~person, firm, or corporation~~ convicted of major violations as follows:

(a) For a violation involving more than 100 illegal blue crabs, spiny lobster ~~crabfish~~, or stone crabs, an additional penalty of \$10 for each illegal blue crab, spiny lobster ~~crabfish~~, stone crab, or part thereof.

(b) For a violation involving the taking or harvesting of shrimp from a nursery or other prohibited area, or any two violations within a 12-month period involving shrimping gear, minimum size (count), or season, an additional penalty of \$10 for each pound of illegal shrimp or part thereof.

(c) For a violation involving the taking or harvesting of oysters from nonapproved areas or the taking or possession of uncultured oysters, an additional penalty of \$10 for each bushel of illegal oysters.

(d) For a violation involving the taking or harvesting of clams from nonapproved areas, an additional penalty of \$100 for each 500 count bag of illegal clams.

(e) For a violation involving the taking, harvesting, or possession of any of the following species, which are endangered, threatened, or of special concern:

1. Shortnose sturgeon (*Acipenser brevirostrum*);
2. Atlantic sturgeon (*Acipenser oxyrinchus*);
3. Common snook (*Centropomus undecimalis*);
4. Atlantic loggerhead turtle (*Caretta caretta caretta*);
5. Atlantic green turtle (*Chelonia mydas mydas*);
6. Leatherback turtle (*Dermochelys coriacea*);
7. Atlantic hawksbill turtle (*Eretmochelys imbricata imbricata*);
8. Atlantic ridley turtle (*Lepidochelys kempi*); or
9. West Indian manatee (*Trichechus manatus latirostris*),

an additional penalty of \$100 for each unit of marine life or part thereof.

(f) For a second or subsequent conviction within 24 months for any violation of the same law or rule involving the taking or harvesting of more than 100 pounds of any finfish, an additional penalty of \$5 for each pound of illegal finfish.

(g) For any violation involving the taking, harvesting, or possession of more than 1,000 pounds of any illegal finfish, an additional penalty equivalent to the wholesale value of the illegal finfish.

(h) Permits issued to any ~~commercial harvester person, firm, or corporation~~ by the commission to take or harvest saltwater products, or any license issued pursuant to s. 370.06 or s. 370.07 may be suspended or revoked by the commission, pursuant to the provisions and procedures of s. 120.60, for any major violation prescribed in this subsection:

1. Upon a first conviction, for up to 30 calendar days.
2. Upon a second conviction which occurs within 12 months after a prior violation, for up to 90 calendar days.
3. Upon a third conviction which occurs within 24 months after a prior conviction, for up to 180 calendar days.
4. Upon a fourth conviction which occurs within 36 months after a prior conviction, for a period of 6 months to 3 years.

(i) Upon the arrest and conviction for a major violation involving stone crabs, the licenseholder must show just cause why his or her license should not be suspended or revoked. For the purposes of this paragraph, a "major violation" means a major violation as prescribed for illegal stone crabs; any single violation involving possession of more than 25 stone crabs during the closed season or possession of 25 or more whole-bodied or egg-bearing stone crabs; any violation for trap molestation, trap robbing, or pulling traps at night; or any combination of violations in any 3-consecutive-year period wherein more than 75 illegal stone crabs in the aggregate are involved.

(j) Upon the arrest and conviction for a major violation involving spiny lobster ~~crayfish~~, the licenseholder must show just cause why his or her license should not be suspended or revoked. For the purposes of this paragraph, a "major violation" means a major violation as prescribed for illegal spiny lobster ~~crayfish~~; any single violation involving possession of more than 25 spiny lobster ~~crayfish~~ during the closed season or possession of more than 25 wrung spiny lobster ~~crayfish~~ tails or more than 25 egg-bearing or stripped spiny lobster ~~crayfish~~; any violation for trap molestation, trap robbing, or pulling traps at night; or any combination of violations in any 3-consecutive-year period wherein more than 75 illegal spiny lobster ~~crayfish~~ in the aggregate are involved.

(k) Upon the arrest and conviction for a major violation involving blue crabs, the licenseholder shall show just cause why his or her saltwater products license should not be suspended or revoked. This paragraph shall not apply to an individual fishing with no more than five traps. For the purposes of this paragraph, a "major violation" means a major violation as prescribed for illegal blue crabs, any single violation wherein 50 or more illegal blue crabs are involved; any violation for trap molestation, trap robbing, or pulling traps at night; or any combination of violations in any 3-consecutive-year period wherein more than 100 illegal blue crabs in the aggregate are involved.

(l) Upon the conviction for a major violation involving finfish, the licenseholder must show just cause why his or her saltwater products license should not be suspended or revoked. For the purposes of this paragraph, a major violation is prescribed for the taking and harvesting of illegal finfish, any single violation involving the possession of more than 100 pounds of illegal finfish, or any combination of violations in any 3-consecutive-year period wherein more than 200 pounds of illegal finfish in the aggregate are involved.

(m) For a violation involving the taking or harvesting of any marine life species, as those species are defined by rule of the commission, the harvest of which is prohibited, or the taking or harvesting of such a species out of season, or with an illegal gear or chemical, or any violation involving the possession of 25 or more individual specimens of marine life species, or any combination of violations in any 3-year period involving more than 70 such specimens in the aggregate, the suspension or revocation of the licenseholder's marine life endorsement as provided in paragraph (h).

The penalty provisions of this subsection apply to commercial harvesters and wholesale and retail dealers as defined in s. 370.07. Any other person who commits a major violation under this subsection commits a Level Three violation under s. 372.83. Notwithstanding the provisions of s. 948.01, no court may suspend, defer, or withhold adjudication of guilt or imposition of sentence for any major violation prescribed in this subsection. The proceeds from the penalties assessed pursuant to this subsection shall be deposited into the Marine Resources Conservation Trust Fund to be used for marine fisheries research or into the commission's Federal Law Enforcement Trust Fund as provided in s. 372.107, as applicable.

(4) ADDITIONAL PENALTIES FOR MAJOR VIOLATIONS INVOLVING CERTAIN FINFISH.--

(a) ~~It is a major violation under pursuant to this section, punishable as provided in paragraph (3)(b), for any person to be in possession of any species of trout, snook, or redfish which is three fish in excess of the recreational or commercial daily bag limit.~~

(b) A commercial harvester who violates this subsection shall be punished as provided under paragraph (3)(b). Any other person who violates this subsection commits a Level Three violation under s. 372.83.

(5) SALTWATER PRODUCTS; UNLICENSED SELLERS; ILLEGALLY HARVESTED PRODUCTS.--In addition to other penalties authorized in this chapter, any violation of s. 370.06 or s. 370.07, or rules of the commission implementing s. 370.06 or s. 370.07, involving the purchase of saltwater products by a commercial wholesale dealer, retail dealer, or restaurant facility for public consumption from an unlicensed person, firm, or corporation, ~~or the sale of saltwater products by an unlicensed person, firm, or corporation~~ or the purchase or sale of any saltwater product known to be taken in violation of s. 16, Art. X of the State Constitution, or rule or statute implementing the provisions thereof, by a commercial wholesale dealer, retail dealer, or restaurant facility, for public consumption, is a major violation, and the commission may assess the following penalties:

(a) For a first violation, the commission may assess a civil penalty of up to \$2,500 and may suspend the wholesale or retail dealer's license privileges for up to 90 calendar days.

(b) For a second violation occurring within 12 months of a prior violation, the commission may assess a civil penalty of up to \$5,000 and may suspend the wholesale or retail dealer's license privileges for up to 180 calendar days.

(c) For a third or subsequent violation occurring within a 24-month period, the commission shall assess a civil penalty of \$5,000 and shall suspend the wholesale or retail dealer's license privileges for up to 24 months.

Any proceeds from the civil penalties assessed pursuant to this subsection shall be deposited into the Marine Resources Conservation Trust Fund and shall be used as follows: 40 percent for administration and processing purposes and 60 percent for law enforcement purposes.

(6) PENALTIES FOR UNLICENSED SALE, PURCHASE, OR HARVEST.--It is a major violation and punishable as provided in this subsection for any an unlicensed person, firm, or corporation who is required to be licensed under this chapter as a commercial harvester or a wholesale or retail dealer to sell or purchase any saltwater product or to harvest or attempt to harvest any saltwater product with intent to sell the saltwater product.

(a) Any person, ~~firm, or corporation~~ who sells or purchases any saltwater product without having purchased the licenses required by this chapter for such sale is subject to ~~additional~~ penalties as follows:

1. A first violation is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. A second violation is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and such person may also be assessed a civil penalty of up to \$2,500 and is subject to a suspension of all license privileges under this chapter and chapter 372 for a period not exceeding 90 days.

3. A third violation is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a mandatory minimum term of imprisonment of 6 months, and such person may also be assessed a civil penalty of up to \$5,000 and is subject to a suspension of all license privileges under this chapter and chapter 372 for a period not exceeding 6 months.

4. A third violation within 1 year after a second violation is a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083, with a mandatory minimum term of imprisonment of 1 year, and such person shall be assessed a civil penalty of \$5,000 and all license privileges under this chapter and chapter 372 shall be permanently revoked.

5. A fourth or subsequent violation is a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083, with a mandatory minimum term of imprisonment of 1 year, and such person shall be assessed a civil penalty of \$5,000 and all license privileges under this chapter and chapter 372 shall be permanently revoked.

(b) Any person whose license privileges under this chapter have been permanently revoked and who thereafter sells or purchases or who attempts to sell or purchase any saltwater product commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083, with a mandatory minimum term of imprisonment of 1 year, and such person shall also be assessed a civil penalty of \$5,000. All property involved in such offense shall be forfeited pursuant to s. 370.061.

(c) Any commercial harvester or wholesale or retail dealer ~~person~~ whose license privileges under this chapter are under suspension and who during such period of suspension sells or purchases or attempts to sell or purchase any saltwater product shall be assessed the following penalties:

1. A first violation, or a second violation occurring more than 12 months after a first violation, is a first degree misdemeanor, punishable as provided in ss. 775.082 and 775.083, and such commercial harvester or wholesale or retail dealer ~~person~~ may be assessed a civil penalty of up to \$2,500 and an additional suspension of all license privileges under this chapter and chapter 372 for a period not exceeding 90 days.

2. A second violation occurring within 12 months of a first violation is a third degree felony, punishable as provided in ss. 775.082 and 775.083, with a mandatory minimum term of imprisonment of 1 year, and such commercial harvester or wholesale or retail dealer ~~person~~ may be assessed a civil penalty of up to \$5,000 and an additional suspension of all license privileges under this chapter and chapter 372 for a period not exceeding 180 days. All property involved in such offense shall be forfeited pursuant to s. 370.061.

3. A third violation within 24 months of the second violation or subsequent violation is a third degree felony, punishable as provided in ss. 775.082 and 775.083, with a mandatory minimum term of imprisonment of 1 year, and such commercial harvester or wholesale or retail dealer ~~person~~ shall be assessed a mandatory civil penalty of up to \$5,000 and an additional suspension of all license privileges under this chapter and chapter 372 for a period not exceeding 24 months. All property involved in such offense shall be forfeited pursuant to s. 370.061.

(d) Any commercial harvester ~~person~~ who harvests or attempts to harvest any saltwater product with intent to sell the saltwater product without having purchased a saltwater products license with the requisite endorsements is subject to penalties as follows:

1. A first violation is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. A second violation is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and such commercial harvester ~~person~~ may also be assessed a civil penalty of up to \$2,500 and is subject to a suspension of all license privileges under this chapter and chapter 372 for a period not exceeding 90 days.

3. A third violation is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a mandatory minimum term of imprisonment of 6 months, and such commercial harvester ~~person~~ may also be assessed a civil penalty of up to \$5,000 and is subject to a suspension of all license privileges under this chapter and chapter 372 for a period not exceeding 6 months.

4. A third violation within 1 year after a second violation is a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083, with a mandatory minimum term of imprisonment of 1 year, and such commercial harvester ~~person~~ shall also be assessed a civil penalty of \$5,000 and all license privileges under this chapter and chapter 372 shall be permanently revoked.

5. A fourth or subsequent violation is a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083, with a mandatory

minimum term of imprisonment of 1 year, and such commercial harvester ~~person~~ shall also be assessed a mandatory civil penalty of \$5,000 and all license privileges under this chapter and chapter 372 shall be permanently revoked.

For purposes of this subsection, a violation means any judicial disposition other than acquittal or dismissal.

(12) LICENSES AND ENTITIES SUBJECT TO PENALTIES.--For purposes of imposing license or permit suspensions or revocations authorized by this chapter, the license or permit under which the violation was committed is subject to suspension or revocation by the commission. For purposes of assessing monetary civil or administrative penalties authorized by this chapter, the commercial harvester ~~person, firm, or corporation~~ cited and subsequently receiving a judicial disposition of other than dismissal or acquittal in a court of law is subject to the monetary penalty assessment by the commission. However, if the license or permitholder of record is not the commercial harvester ~~person, firm, or corporation~~ receiving the citation and judicial disposition, the license or permit may be suspended or revoked only after the license or permitholder has been notified by the commission that the license or permit has been cited in a major violation and is now subject to suspension or revocation should the license or permit be cited for subsequent major violations.

Section 3. Section 370.028, Florida Statutes, is amended to read:

370.028 Enforcement of commission rules; penalties for violation of rule.--Rules of the Fish and Wildlife Conservation Commission shall be enforced by any law enforcement officer certified pursuant to s. 943.13. Except as provided under s. 372.83, any person who violates or otherwise fails to comply with any rule adopted by the commission shall be punished pursuant to s. 370.021(1).

Section 4. Paragraph (d) of subsection (5) of section 370.061, Florida Statutes, is amended to read:

370.061 Confiscation, seizure, and forfeiture of property and products.--

(5) CONFISCATION AND SALE OF PERISHABLE SALTWATER PRODUCTS; PROCEDURE.--

(d) For purposes of confiscation under this subsection, the term "saltwater products" has the meaning set out in s. 370.01(27) ~~s. 370.01(26)~~, except that the term does not include saltwater products harvested under the authority of a recreational license unless the amount of such harvested products exceeds three times the applicable recreational bag limit for trout, snook, or redfish.

Section 5. Section 370.063, Florida Statutes, is amended to read:

370.063 Special recreational spiny lobster ~~erawfish~~ license.--There is created a special recreational spiny lobster ~~erawfish~~ license, to be issued to qualified persons as provided by this section for the recreational harvest of spiny lobster ~~erawfish (spiny lobster)~~ beginning August 5, 1994.

(1) The special recreational spiny lobster ~~erawfish~~ license shall be available to any individual spiny lobster ~~erawfish~~ trap number holder who also possesses a saltwater products license during the 1993-1994 license year. A person issued a special recreational spiny lobster ~~erawfish~~ license may not also possess a trap number.

(2) The special recreational spiny lobster ~~erawfish~~ license is required in order to harvest spiny lobster ~~erawfish~~ from state territorial waters in quantities in excess of the regular recreational bag limit but not in excess of a special bag limit as established by the Marine Fisheries Commission for these harvesters before the 1994-1995 license year. Such special bag limit does not apply during the 2-day sport season established by the Fish and Wildlife Conservation Commission.

(3) The holder of a special recreational spiny lobster ~~erawfish~~ license must also possess the recreational spiny lobster ~~erawfish~~ permit required by s. 372.57(8)(d).

(4) As a condition precedent to the issuance of a special recreational spiny lobster ~~erawfish~~ license, the applicant must agree to file quarterly reports with the Fish and Wildlife Conservation Commission in such form as the commission requires, detailing the amount of the licenseholder's spiny lobster ~~erawfish (spiny lobster)~~ harvest in the previous quarter, including the harvest of other recreational harvesters aboard the licenseholder's vessel.

(5) The Fish and Wildlife Conservation Commission shall issue special recreational spiny lobster ~~erawfish~~ licenses. The fee for each such license is

\$100 per year. Each license issued in any license year must be renewed by June 30 of each subsequent year by the initial individual holder thereof. Noncompliance with the reporting requirement in subsection (4) or with the special recreational bag limit established under subsection (6) constitutes grounds for which the commission may refuse to renew the license for a subsequent license year. The number of such licenses outstanding in any one license year may not exceed the number issued for the 1994-1995 license year. A license is not transferable by any method. Licenses that are not renewed expire and may be reissued by the commission in the subsequent license year to new applicants otherwise qualified under this section.

(6) To promote conservation of the spiny lobster (~~erawfish~~) resource, consistent with equitable distribution and availability of the resource, the commission shall establish a spiny lobster management plan incorporating the special recreational spiny lobster ~~erawfish~~ license, including, but not limited to, the establishment of a special recreational bag limit for the holders of such license as required by subsection (2). Such special recreational bag limit must not be less than twice the higher of the daily recreational bag limits.

(7) The proceeds of the fees collected under this section must be deposited in the Marine Resources Conservation Trust Fund and used as follows:

(a) Thirty-five percent for research and the development of reliable recreational catch statistics for the spiny lobster ~~erawfish~~ (~~spiny lobster~~) fishery.

(b) Twenty percent for administration of this section.

(c) Forty-five percent to be used for enforcement of this section.

(8) Any person who violates this section commits a Level One violation under s. 372.83.

Section 6. Subsection (8) is added to section 370.08, Florida Statutes, to read:

370.08 Fishers and equipment; regulation.--

(8) PENALTIES.--A commercial harvester who violates this section shall be punished under s. 370.021. Any other person who violates this section commits a Level Two violation under s. 372.83.

Section 7. Subsection (6) is added to section 370.081, Florida Statutes, to read:

370.081 Illegal importation or possession of nonindigenous marine plants and animals; rules and regulations.--

(6) Any person who violates this section commits a Level Three violation under s. 372.83.

Section 8. Subsection (4) is added to section 370.1105, Florida Statutes, to read:

370.1105 Saltwater finfish; fishing traps regulated.--

(4) A commercial harvester who violates this section shall be punished under s. 370.021. Any other person who violates this section commits a Level Two violation under s. 372.83.

Section 9. Subsection (3) is added to section 370.1121, Florida Statutes, to read:

370.1121 Bonefish; regulation.--

(3) A commercial harvester or wholesale or retail saltwater products dealer who violates this section shall be punished under s. 370.021. Any other person who violates this section commits a Level Two violation under s. 372.83.

Section 10. Paragraphs (a), (b), (c), and (d) of subsection (2) of section 370.13, Florida Statutes, are amended to read:

370.13 Stone crab; regulation.--

(2) PENALTIES.--For purposes of this subsection, conviction is any disposition other than acquittal or dismissal, regardless of whether the violation was adjudicated under any state or federal law.

(a) It is unlawful to violate commission rules regulating stone crab trap certificates and trap tags. No person may use an expired tag or a stone crab trap tag not issued by the commission or possess or use a stone crab trap in or on state waters or adjacent federal waters without having a trap tag required by the commission firmly attached thereto.

1. In addition to any other penalties provided in s. 370.021, for any commercial harvester who violates this paragraph, ~~person, firm, or corporation who violates rule 68B-13.010(2), Florida Administrative Code, or rule 68B-13.011(5), (6), (7), (8), or (11), Florida Administrative Code,~~ the following administrative penalties apply.

~~a.1-~~ For a first violation, the commission shall assess an administrative penalty of up to \$1,000 and the stone crab endorsement under which the violation was committed may be suspended for the remainder of the current license year.

~~b.2-~~ For a second violation that occurs within 24 months of any previous such violation, the commission shall assess an administrative penalty of up to \$2,000 and the stone crab endorsement under which the violation was committed may be suspended for 12 calendar months.

~~c.3-~~ For a third violation that occurs within 36 months of any previous two such violations, the commission shall assess an administrative penalty of up to \$5,000 and the stone crab endorsement under which the violation was committed may be suspended for 24 calendar months.

~~d.4-~~ A fourth violation that occurs within 48 months of any three previous such violations, shall result in permanent revocation of all of the violator's saltwater fishing privileges, including having the commission proceed against the endorsement holder's saltwater products license in accordance with s. 370.021.

2. Any other person who violates the provisions of this paragraph commits a Level Two violation under s. 372.83.

Any ~~commercial harvester person~~ assessed an administrative penalty under this paragraph shall, within 30 calendar days after notification, pay the administrative penalty to the commission, or request an administrative hearing under ss. 120.569 and 120.57. The proceeds of all administrative penalties collected under this paragraph shall be deposited in the Marine Resources Conservation Trust Fund.

(b) It is unlawful for any ~~commercial harvester person~~ to remove the contents of another harvester's stone crab trap or take possession of such without the express written consent of the trap owner available for immediate inspection. Unauthorized possession of another's trap gear or removal of trap contents constitutes theft.

1. Any ~~commercial harvester person~~ convicted of theft of or from a trap pursuant to this subsection or s. 370.1107 shall, in addition to the penalties specified in s. 370.021 and the provisions of this section, permanently lose all ~~his or her~~ saltwater fishing privileges, including saltwater products licenses, stone crab or incidental take endorsements, and all trap certificates allotted to such commercial harvester ~~him or her~~ by the commission. In such cases, trap certificates and endorsements are nontransferable.

2. In addition, any ~~commercial harvester person, firm, or corporation~~ convicted of violating the prohibitions referenced in this paragraph shall also be assessed an administrative penalty of up to \$5,000. Immediately upon receiving a citation for a violation involving theft of or from a trap and until adjudicated for such a violation, or, upon receipt of a judicial disposition other than dismissal or acquittal on such a violation, the violator is prohibited from transferring any stone crab or spiny lobster certificates.

3. Any other person who violates the provisions of this paragraph commits a Level Two violation under s. 372.83.

~~(c)1. It is unlawful to violate Any person, firm, or corporation convicted of violating commission rules that prohibit any of the following; commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

~~a.1-~~ The willful molestation of any stone crab trap, line, or buoy that is the property of any licenseholder, without the permission of that licenseholder.

~~b.2-~~ The bartering, trading, or sale, or conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates unless the action is duly authorized by the commission as provided by commission rules.

~~c.3-~~ The making, altering, forging, counterfeiting, or reproducing of stone crab trap tags.

~~d.4-~~ Possession of forged, counterfeit, or imitation stone crab trap tags.

~~e.5-~~ Engaging in the commercial harvest of stone crabs during the time either of the endorsements is under suspension or revocation.

2. Any commercial harvester who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other person who violates this paragraph commits a Level Four violation under s. 372.83.

In addition, any ~~commercial harvester person, firm, or corporation~~ convicted of violating this paragraph shall also be assessed an administrative penalty of up to \$5,000, and the incidental take endorsement and/or the stone crab endorsement under which the violation was committed may be suspended for up to 24 calendar months. Immediately upon receiving a citation involving a violation of this paragraph and until adjudicated for such a violation, or if convicted of such a violation, the person, firm, or corporation committing the violation is prohibited from transferring any stone crab certificates or endorsements.

(d) For any ~~commercial harvester person, firm, or corporation~~ convicted of fraudulently reporting the actual value of transferred stone crab certificates, the commission may automatically suspend or permanently revoke the seller's or the purchaser's stone crab endorsements. If the endorsement is permanently revoked, the commission shall also permanently deactivate the endorsement holder's stone crab certificate accounts. Whether an endorsement is suspended or revoked, the commission may also levy a fine against the holder of the endorsement of up to twice the appropriate surcharge to be paid based on the fair market value of the transferred certificates.

Section 11. Subsection (1) of section 370.135, Florida Statutes, is amended to read:

370.135 Blue crab; regulation.--

(1)(a) No ~~commercial harvester person, firm, or corporation~~ shall transport on the water, fish with or cause to be fished with, set, or place any trap designed for taking blue crabs unless such ~~commercial harvester person, firm, or corporation~~ is the holder of a valid saltwater products license issued pursuant to s. 370.06 and the trap has a current state number permanently attached to the buoy. The trap number shall be affixed in legible figures at least 1 inch high on each buoy used. The saltwater products license must be on board the boat, and both the license and the crabs shall be subject to inspection at all times. Only one trap number may be issued for each boat by the commission upon receipt of an application on forms prescribed by it. This subsection shall not apply to an individual fishing with no more than five traps.

(b) It is ~~unlawful a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084,~~ for any person willfully to molest any blue crab traps, lines, or buoys, as defined herein, belonging to another without the express written consent of the trap owner.

1. A commercial harvester who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Any other person who violates this paragraph commits a Level Four violation under s. 372.83.

Any ~~commercial harvester person~~ receiving a judicial disposition other than dismissal or acquittal on a charge of willful molestation of a trap, in addition to the penalties specified in s. 370.021, shall lose all saltwater fishing privileges for a period of 24 calendar months.

(c)1. It is unlawful for any person to remove the contents of or take possession of another harvester's blue crab trap without the express written consent of the trap owner available for immediate inspection. Unauthorized possession of another's trap gear or removal of trap contents constitutes theft.

a. Any ~~commercial harvester person~~ receiving a judicial disposition other than dismissal or acquittal on a charge of theft of or from a trap pursuant to this section or s. 370.1107 shall, in addition to the penalties specified in s. 370.021 and the provisions of this section, permanently lose all ~~his or her~~ saltwater fishing privileges, including any ~~his or her~~ saltwater products license and blue crab endorsement. In such cases endorsements, ~~landings history, and trap certificates~~ are nontransferable.

b. In addition, any ~~commercial harvester person, firm, or corporation~~ receiving a judicial disposition other than dismissal or acquittal for violating this subsection or s. 370.1107 shall also be assessed an administrative penalty of up to \$5,000. Immediately upon receiving a citation for a violation involving theft of or from a trap and until adjudicated for such a violation, or receiving a judicial disposition other than dismissal or acquittal for such a violation, the ~~commercial harvester person, firm, or corporation~~ committing the violation is prohibited from transferring any blue crab endorsements, ~~landings history, or trap certificates~~.

2. A commercial harvester who violates this paragraph shall be punished under s. 370.021. Any other person who violates this paragraph commits a Level Two violation under s. 372.83.

Section 12. Section 370.14, Florida Statutes, is amended to read:

370.14 Spiny lobster ~~Crawfish~~; regulation.--

(1) It is the intent of the Legislature to maintain the spiny lobster ~~crawfish~~ industry for the economy of the state and to conserve the stocks supplying this industry. The provisions of this act regulating the taking of spiny lobster ~~saltwater crawfish~~ are for the purposes of ensuring and maintaining the highest possible production of spiny lobster ~~saltwater crawfish~~.

(2)(a)1. Each ~~commercial harvester person~~ taking or attempting to take spiny lobster ~~crawfish~~ with a trap in commercial quantities or for commercial purposes shall obtain and exhibit a spiny lobster ~~crawfish~~ trap number, as required by the Fish and Wildlife Conservation Commission. The annual fee for a spiny lobster ~~crawfish~~ trap number is \$125. This trap number may be issued by the commission upon the receipt of application by the ~~commercial harvester person~~ when accompanied by the payment of the fee. The design of the applications and of the trap number shall be determined by the commission. Any trap or device used in taking or attempting to take spiny lobster ~~crawfish~~, other than a trap with the trap number, shall be seized and destroyed by the commission. The proceeds of the fees imposed by this paragraph shall be deposited and used as provided in paragraph (b). The commission may adopt rules to carry out the intent of this section.

2. Each ~~commercial harvester person~~ taking or attempting to take spiny lobster ~~crawfish~~ in commercial quantities or for commercial purposes by any method, other than with a trap having a spiny lobster ~~crawfish~~ trap number issued by the commission, must pay an annual fee of \$100.

(b) Twenty-five dollars of the \$125 fee for a spiny lobster ~~crawfish~~ trap number required under subparagraph (a)1. must be used only for trap retrieval as provided in s. 370.143. The remainder of the fees collected pursuant to paragraph (a) shall be deposited as follows:

1. Fifty percent of the fees collected shall be deposited in the Marine Resources Conservation Trust Fund for use in enforcing the provisions of paragraph (a) through aerial and other surveillance and trap retrieval.

2. Fifty percent of the fees collected shall be deposited as provided in s. 370.142(5).

(3) The spiny lobster ~~crawfish~~ license must be on board the boat, and both the license and the harvested spiny lobster ~~crawfish~~ shall be subject to inspection at all times. Only one license shall be issued for each boat. The spiny lobster ~~crawfish~~ license number must be prominently displayed above the topmost portion of the boat so as to be easily and readily identified.

(4)(a) It is ~~unlawful a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083,~~ for any person willfully to molest any spiny lobster ~~crawfish~~ traps, lines, or buoys belonging to another without permission of the licenseholder.

(b) A commercial harvester who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. Any other person who violates this subsection commits a Level Four violation under s. 372.83.

(5) Any spiny lobster ~~crawfish~~ licenseholder, upon selling licensed spiny lobster ~~crawfish~~ traps, shall furnish the commission notice of such sale of all or part of his or her interest within 15 days thereof. Any holder of said license shall also notify the commission within 15 days if his or her address no longer conforms to the address appearing on the license and shall, as a part of such notification, furnish the commission with his or her new address.

(6)(a) By a special permit granted by the commission, a Florida-licensed seafood dealer may lawfully import, process, and package spiny lobster ~~saltwater crawfish~~ or uncooked tails of the species *Panulirus argus* during the closed season. However, spiny lobster ~~crawfish~~ landed under special permit shall not be sold in the state.

(b) The licensed seafood dealer importing any such spiny lobster ~~crawfish~~ under the permit shall, 12 hours prior to the time the seagoing vessel or airplane delivering such imported spiny lobster ~~crawfish~~ enters the state, notify the commission as to the seagoing vessel's name or the airplane's registration number and its captain, location, and point of destination.

(c) At the time the spiny lobster ~~crawfish~~ cargo is delivered to the permitholder's place of business, the spiny lobster ~~crawfish~~ cargo shall be

weighed and shall be available for inspection by the commission. A signed receipt of such quantity in pounds shall be forwarded to the commission within 48 hours after shipment weigh-in completion. If requested by the commission, the weigh-in process will be delayed up to 4 hours to allow for a commission representative to be present during the process.

(d) Within 48 hours after shipment weigh-in completion, the permit holder shall submit to the commission, on forms provided by the commission, a sworn report of the quantity in pounds of the spiny lobster ~~saltwater crawfish~~ received, which report shall include the location of said spiny lobster ~~crawfish~~ and a sworn statement that said spiny lobster ~~crawfish~~ were taken at least 50 miles from Florida's shoreline. The landing of spiny lobster ~~crawfish~~ or spiny lobster ~~crawfish~~ tails from which the eggs, swimmerettes, or pleopods have been removed; the falsification of information as to area from which spiny lobster ~~crawfish~~ were obtained; or the failure to file the report called for in this section shall be grounds to revoke the permit.

(e) Each permit holder shall keep throughout the period of the closed season copies of the bill of sale or invoices covering each transaction involving spiny lobster ~~crawfish~~ imported under this permit. Such invoices and bills shall be kept available at all times for inspection by the commission.

(7)(a) A Florida-licensed seafood dealer may obtain a special permit to import, process, and package uncooked tails of spiny lobster ~~saltwater crawfish~~ upon the payment of the sum of \$100 to the commission.

(b) A special permit must be obtained by any airplane or seagoing vessel other than a common carrier used to transport spiny lobster ~~saltwater crawfish~~ or spiny lobster ~~crawfish~~ tails for purchase by licensed seafood dealers for purposes as provided herein upon the payment of \$50.

(c) All special permits issued under this subsection are nontransferable.

(8) No common carrier or employee of said carrier may carry, knowingly receive for carriage, or permit the carriage of any spiny lobster ~~crawfish~~ of the species *Panulirus argus*, regardless of where taken, during the closed season, except of the species *Panulirus argus* lawfully imported from a foreign country for reshipment outside of the territorial limits of the state under United States Customs bond or in accordance with paragraph (7)(a).

Section 13. Paragraph (c) of subsection (2) of section 370.142, Florida Statutes, is amended to read:

370.142 Spiny lobster trap certificate program.--

(2) TRANSFERABLE TRAP CERTIFICATES; TRAP TAGS; FEES; PENALTIES.--The Fish and Wildlife Conservation Commission shall establish a trap certificate program for the spiny lobster fishery of this state and shall be responsible for its administration and enforcement as follows:

(c) Prohibitions; penalties.--

1. It is unlawful for a person to possess or use a spiny lobster trap in or on state waters or adjacent federal waters without having affixed thereto the trap tag required by this section. It is unlawful for a person to possess or use any other gear or device designed to attract and enclose or otherwise aid in the taking of spiny lobster by trapping that is not a trap as defined by commission rule in rule 68B-24.006(2), Florida Administrative Code.

2. It is unlawful for a person to possess or use spiny lobster trap tags without having the necessary number of certificates on record as required by this section.

3. It is unlawful for any person to willfully molest, take possession of, or remove the contents of another harvester's spiny lobster trap without the express written consent of the trap owner available for immediate inspection. Unauthorized possession of another's trap gear or removal of trap contents constitutes theft.

a. A commercial harvester who violates this subparagraph shall be punished under ss. 370.021 and 370.14. Any commercial harvester ~~person~~ receiving a judicial disposition other than dismissal or acquittal on a charge of theft of or from a trap pursuant to this subparagraph or s. 370.1107 shall, in addition to the penalties specified in ss. 370.021 and 370.14 and the provisions of this section, permanently lose all his or her saltwater fishing privileges, including his or her saltwater products license, spiny lobster ~~crawfish~~ endorsement, and all trap certificates allotted to him or her through this program. In such cases, trap certificates and endorsements are nontransferable.

b. Any commercial harvester ~~person~~ receiving a judicial disposition other than dismissal or acquittal on a charge of willful molestation of a trap, in

addition to the penalties specified in ss. 370.021 and 370.14, shall lose all saltwater fishing privileges for a period of 24 calendar months.

c. In addition, any commercial harvester ~~person, firm, or corporation~~ charged with violating this paragraph and receiving a judicial disposition other than dismissal or acquittal for violating this subparagraph or s. 370.1107 shall also be assessed an administrative penalty of up to \$5,000.

Immediately upon receiving a citation for a violation involving theft of or from a trap, or molestation of a trap, and until adjudicated for such a violation or, upon receipt of a judicial disposition other than dismissal or acquittal of such a violation, the person, firm, or corporation committing the violation is prohibited from transferring any spiny lobster ~~crawfish~~ trap certificates and endorsements.

4. In addition to any other penalties provided in s. 370.021, a commercial harvester, ~~as defined by rule 68B-24.002(1), Florida Administrative Code, who violates the provisions of this section; or commission rules the provisions relating to spiny lobster traps of chapter 68B-24, Florida Administrative Code,~~ shall be punished as follows:

a. If the first violation is for violation of subparagraph 1. or subparagraph 2., the commission shall assess an additional administrative civil ~~civil~~ penalty of up to \$1,000 and the spiny lobster ~~crawfish~~ trap number issued pursuant to s. 370.14(2) or (6) may be suspended for the remainder of the current license year. For all other first violations, the commission shall assess an additional administrative civil ~~civil~~ penalty of up to \$500.

b. For a second violation of subparagraph 1. or subparagraph 2. which occurs within 24 months of any previous such violation, the commission shall assess an additional administrative civil ~~civil~~ penalty of up to \$2,000 and the spiny lobster ~~crawfish~~ trap number issued pursuant to s. 370.14(2) or (6) may be suspended for the remainder of the current license year.

c. For a third or subsequent violation of subparagraph 1., subparagraph 2., or subparagraph 3. which occurs within 36 months of any previous two such violations, the commission shall assess an additional administrative civil ~~civil~~ penalty of up to \$5,000 and may suspend the spiny lobster ~~crawfish~~ trap number issued pursuant to s. 370.14(2) or (6) for a period of up to 24 months or may revoke the spiny lobster ~~crawfish~~ trap number and, if revoking the spiny lobster ~~crawfish~~ trap number, may also proceed against the licenseholder's saltwater products license in accordance with the provisions of s. 370.021(2)(h).

d. Any person assessed an additional administrative civil ~~civil~~ penalty pursuant to this section shall within 30 calendar days after notification:

(I) Pay the administrative civil ~~civil~~ penalty to the commission; or

(II) Request an administrative hearing pursuant to the provisions of ss. 120.569 and 120.57 ~~s. 120.60~~.

e. The commission shall suspend the spiny lobster ~~crawfish~~ trap number issued pursuant to s. 370.14(2) or (6) for any person failing to comply with the provisions of sub-subparagraph d.

5.a. It is unlawful for any person to make, alter, forge, counterfeit, or reproduce a spiny lobster trap tag or certificate.

b. It is unlawful for any person to knowingly have in his or her possession a forged, counterfeit, or imitation spiny lobster trap tag or certificate.

c. It is unlawful for any person to barter, trade, sell, supply, agree to supply, aid in supplying, or give away a spiny lobster trap tag or certificate or to conspire to barter, trade, sell, supply, aid in supplying, or give away a spiny lobster trap tag or certificate unless such action is duly authorized by the commission as provided in this chapter or in the rules of the commission.

6.a. Any commercial harvester ~~person~~ who violates the provisions of subparagraph 5., or any commercial harvester ~~person~~ who engages in the commercial harvest, trapping, or possession of spiny lobster without a spiny lobster ~~crawfish~~ trap number as required by s. 370.14(2) or (6) or during any period while such spiny lobster ~~crawfish~~ trap number is under suspension or revocation, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. In addition to any penalty imposed pursuant to sub-subparagraph a., the commission shall levy a fine of up to twice the amount of the appropriate surcharge to be paid on the fair market value of the transferred certificates, as provided in subparagraph (a)1., on any commercial harvester ~~person~~ who violates the provisions of sub-subparagraph 5.c.

c. Any other person who violates the provisions of subparagraph 5. commits a Level Four violation under s. 372.83.

7. Any certificates for which the annual certificate fee is not paid for a period of 3 years shall be considered abandoned and shall revert to the commission. During any period of trap reduction, any certificates reverting to the commission shall become permanently unavailable and be considered in that amount to be reduced during the next license-year period. Otherwise, any certificates that revert to the commission are to be reallocated in such manner as provided by the commission.

8. The proceeds of all civil penalties collected pursuant to subparagraph 4. and all fines collected pursuant to sub-subparagraph 6.b. shall be deposited into the Marine Resources Conservation Trust Fund.

9. All traps shall be removed from the water during any period of suspension or revocation.

10. Except as otherwise provided, any person who violates this paragraph commits a Level Two violation under s. 372.83.

Section 14. Paragraph (q) is added to subsection (2) of section 372.562, Florida Statutes, to read:

372.562 Recreational licenses and permits; exemptions from fees and requirements.--

(2) A hunting, freshwater fishing, or saltwater fishing license or permit is not required for:

(q) Any resident who holds a valid commercial fishing license issued under s. 372.65(1)(a).

Section 15. Subsections (4), (8), (11), and (12) of section 372.57, Florida Statutes, are amended, and subsections (16) and (17) are added to that section, to read:

372.57 Recreational licenses, permits, and authorization numbers; fees established.--

(4) RESIDENT HUNTING AND FISHING LICENSES.--The licenses and fees for residents participating in hunting and fishing activities in this state are as follows:

(a) Annual freshwater fishing license, \$12.

(b) Annual saltwater fishing license, \$12.

(c) Annual hunting license to take game, \$11.

(d) Annual combination hunting and freshwater fishing license, \$22.

(e) Annual combination freshwater fishing and saltwater fishing license, \$24.

(f) Annual combination hunting, freshwater fishing, and saltwater fishing license, \$34.

(g) Annual license to take fur-bearing animals, \$25. However, a resident with a valid hunting license or a no-cost license who is taking fur-bearing animals for noncommercial purposes using guns or dogs only, and not traps or other devices, is not required to purchase this license. Also, a resident 65 years of age or older is not required to purchase this license.

(h) Annual sportsman's license, ~~\$71~~ ~~\$66~~, except that an annual sportsman's license for a resident 64 years of age or older is \$12. A sportsman's license authorizes the person to whom it is issued to take game and freshwater fish, subject to the state and federal laws, rules, and regulations, including rules of the commission, in effect at the time of the taking. Other authorized activities include activities authorized by a management area permit, a muzzle-loading gun season permit, a crossbow season permit, a turkey permit, a Florida waterfowl permit, and an archery season permit.

(i) Annual gold sportsman's license, ~~\$87~~ ~~\$82~~. The gold sportsman's license authorizes the person to whom it is issued to take freshwater fish, saltwater fish, and game, subject to the state and federal laws, rules, and regulations, including rules of the commission, in effect at the time of taking. Other authorized activities include activities authorized by a management area permit, a muzzle-loading gun season permit, a crossbow season permit, a turkey permit, a Florida waterfowl permit, an archery season permit, a snook permit, and a spiny lobster ~~crayfish~~ permit.

(j) Annual military gold sportsman's license, \$18.50. The gold sportsman's license authorizes the person to whom it is issued to take freshwater fish, saltwater fish, and game, subject to the state and federal laws, rules, and regulations, including rules of the commission, in effect at the time of taking. Other authorized activities include activities authorized by a management area permit, a muzzle-loading gun season permit, a crossbow season permit, a

turkey permit, a Florida waterfowl permit, an archery season permit, a snook permit, and a spiny lobster ~~crayfish~~ permit. Any resident who is an active or retired member of the United States Armed Forces, the United States Armed Forces Reserve, the National Guard, the United States Coast Guard, or the United States Coast Guard Reserve is eligible to purchase the military gold sportsman's license upon submission of a current military identification card.

(8) SPECIFIED HUNTING, FISHING, AND RECREATIONAL ACTIVITY PERMITS.--In addition to any license required under this chapter, the following permits and fees for specified hunting, fishing, and recreational uses and activities are required:

(a) An annual Florida waterfowl permit for a resident or nonresident to take wild ducks or geese within the state or its coastal waters is \$3.

(b)1. An annual Florida turkey permit for a resident to take wild turkeys within the state is \$5.

2. An annual Florida turkey permit for a nonresident to take wild turkeys within the state is \$100.

(c) An annual snook permit for a resident or nonresident to take or possess any snook from any waters of the state is \$2. Revenue generated from the sale of snook permits shall be used exclusively for programs to benefit the snook population.

(d) An annual spiny lobster ~~crayfish~~ permit for a resident or nonresident to take or possess any spiny lobster ~~crayfish~~ for recreational purposes from any waters of the state is \$2. Revenue generated from the sale of spiny lobster ~~crayfish~~ permits shall be used exclusively for programs to benefit the spiny lobster ~~crayfish~~ population.

(e) A \$5 fee is imposed for each of the following permits:

1. An annual archery season permit for a resident or nonresident to hunt within the state during any archery season authorized by the commission.

2. An annual crossbow season permit for a resident or nonresident to hunt within the state during any crossbow season authorized by the commission.

3. An annual muzzle-loading gun season permit for a resident or nonresident to hunt within the state during any ~~with a~~ muzzle-loading gun season is \$5. Hunting with a muzzle-loading gun is limited to game seasons in which hunting with a modern firearm is not authorized by the commission.

~~(f) An annual archery permit for a resident or nonresident to hunt within the state with a bow and arrow is \$5. Hunting with an archery permit is limited to those game seasons in which hunting with a firearm is not authorized by the commission.~~

~~(f)(g)~~ A special use permit for a resident or nonresident to participate in limited entry hunting or fishing activities as authorized by commission rule shall not exceed \$100 per day or \$250 per week. Notwithstanding any other provision of this chapter, there are no exclusions, exceptions, or exemptions from this permit fee. In addition to the permit fee, the commission may charge each special use permit applicant a nonrefundable application fee not to exceed \$10.

~~(g)(h)~~1. A management area permit for a resident or nonresident to hunt on, fish on, or otherwise use for outdoor recreational purposes land owned, leased, or managed by the commission, or by the state for the use and benefit of the commission, shall not exceed \$25 per year.

2. Permit fees for short-term use of land that is owned, leased, or managed by the commission may be established by rule of the commission for activities on such lands. Such permits may be in lieu of, or in addition to, the annual management area permit authorized in subparagraph 1.

3. Other than for hunting or fishing, the provisions of this paragraph shall not apply on any lands not owned by the commission, unless the commission has obtained the written consent of the owner or primary custodian of such lands.

~~(h)(i)~~1. A recreational user permit is required to hunt on, fish on, or otherwise use for outdoor recreational purposes land leased by the commission from private nongovernmental owners, except for those lands located directly north of the Apalachicola National Forest, east of the Ochlocknee River until the point the river meets the dam forming Lake Talquin, and south of the closest federal highway. The fee for a recreational user permit shall be based upon the economic compensation desired by the landowner, game population levels, desired hunter density, and administrative costs. The permit fee shall be set by commission rule on a per-acre basis. The recreational user permit fee, less administrative costs of up to

\$25 per permit, shall be remitted to the landowner as provided in the lease agreement for each area.

2. One minor dependent, 16 years of age or younger, may hunt under the supervision of the permittee and is exempt from the recreational user permit requirements. The spouse and dependent children of a permittee are exempt from the recreational user permit requirements when engaged in outdoor recreational activities other than hunting and when accompanied by a permittee. Notwithstanding any other provision of this chapter, no other exclusions, exceptions, or exemptions from the recreational user permit fee are authorized.

(11) RESIDENT LIFETIME HUNTING LICENSES.--

(a) Lifetime hunting licenses are available to residents only, as follows, for:

1. Persons 4 years of age or younger, for a fee of \$200.
2. Persons 5 years of age or older, but under 13 years of age, for a fee of \$350.
3. Persons 13 years of age or older, for a fee of \$500.

(b) The following activities are authorized by the purchase of a lifetime hunting license:

1. Taking, or attempting to take or possess, game consistent with the state and federal laws and regulations and rules of the commission in effect at the time of the taking.

2. All activities authorized by a muzzle-loading gun season permit, a crossbow season permit, a turkey permit, an archery season permit, a Florida waterfowl permit, and a management area permit, excluding fishing.

(12) RESIDENT LIFETIME SPORTSMAN'S LICENSES.--

(a) Lifetime sportsman's licenses are available to residents only, as follows, for:

1. Persons 4 years of age or younger, for a fee of \$400.
2. Persons 5 years of age or older, but under 13 years of age, for a fee of \$700.
3. Persons 13 years of age or older, for a fee of \$1,000.

(b) The following activities are authorized by the purchase of a lifetime sportsman's license:

1. Taking, or attempting to take or possess, freshwater and saltwater fish, and game, consistent with the state and federal laws and regulations and rules of the commission in effect at the time of taking.

2. All activities authorized by a management area permit, a muzzle-loading gun season permit, a crossbow season permit, a turkey permit, an archery season permit, a Florida waterfowl permit, a snook permit, and a spiny lobster ~~crayfish~~ permit.

(16) PROHIBITED LICENSES OR PERMITS.--A person may not make, forge, counterfeit, or reproduce a license or permit required under this section, except for those persons authorized by the commission to make or reproduce such a license or permit. A person may not knowingly possess a forgery, counterfeit, or unauthorized reproduction of such a license or permit. A person who violates this subsection commits a Level Four violation under s. 372.83.

(17) SUSPENDED OR REVOKED LICENSES.--A person may not take game, freshwater fish, saltwater fish, or fur-bearing animals within this state if a license issued to such person as required under this section or a privilege granted to such person under s. 372.562 is suspended or revoked. A person who violates this subsection commits a Level Three violation under s. 372.83.

Section 16. Subsection (5) of section 372.5704, Florida Statutes, is amended to read:

372.5704 Fish and Wildlife Conservation Commission license program for tarpon; fees; penalties.--

(5) Any individual including a taxidermist who possesses a tarpon which does not have a tag securely attached as required by this section commits a Level Two violation under s. 372.83 ~~shall be subject to penalties as prescribed in s. 370.021~~. Provided, however, a taxidermist may remove the tag during the process of mounting a tarpon. The removed tag shall remain with the fish during any subsequent storage or shipment.

Section 17. Section 372.571, Florida Statutes, is amended to read:

372.571 Expiration of licenses and permits.--Each license or permit issued under this chapter must be dated when issued. Each license or permit issued under this chapter remains valid for 12 months after the date of issuance,

except for a lifetime license issued pursuant to s. 372.57 which is valid from the date of issuance until the death of the individual to whom the license is issued unless otherwise revoked in accordance with s. 372.99, or a 5-year license issued pursuant to s. 372.57 which is valid for 5 consecutive years from the date of purchase unless otherwise revoked in accordance with s. 372.99, or a license issued pursuant to s. 372.57(5)(a), (b), (c), or (f) or ~~(8)(g)~~ (8)(f) ~~(g)(h)~~ (g)(h)2., which is valid for the period specified on the license. A resident lifetime license or a resident 5-year license that has been purchased by a resident of this state and who subsequently resides in another state shall be honored for activities authorized by that license.

Section 18. Section 372.5717, Florida Statutes, is amended to read:

372.5717 Hunter safety course; requirements; penalty.--

(1) This section may be cited as the Senator Joe Carlucci Hunter Safety Act.

(2)(a) Except as provided in paragraph (b), a person born on or after June 1, 1975, may not be issued a license to take wild animal life with the use of a firearm, gun, bow, or crossbow in this state without having first successfully completed a hunter safety course as provided in this section, and without having in his or her personal possession a hunter safety certification card, as provided in this section.

(b) A person born on or after June 1, 1975, who has not successfully completed a hunter safety course may apply to the commission for a special authorization to hunt under supervision. The special authorization for supervised hunting shall be designated on any license or permit required under this chapter for a person to take game or fur-bearing animals, and shall be valid for not more than 1 year. A special authorization for supervised hunting may not be issued more than once to the person applying for such authorization. A person issued a license with a special authorization to hunt under supervision must hunt under the supervision of, and in the presence of, a person 21 years of age or older who is licensed to hunt pursuant to s. 372.57 or who is exempt from licensing requirements or eligible for a free license pursuant to s. 372.562.

(3) The Fish and Wildlife Conservation Commission shall institute and coordinate a statewide hunter safety course that which must be offered in every county and consist of not ~~less than 12 hours nor~~ more than 16 hours of instruction including, but not limited to, instruction in the competent and safe handling of firearms, conservation, and hunting ethics.

(4) The commission shall issue a permanent hunter safety certification card to each person who successfully completes the hunter safety course. The commission shall maintain records of hunter safety certification cards issued and shall establish procedures for replacing lost or destroyed cards.

(5) A hunter safety certification card issued by a wildlife agency of another state, or any Canadian province, which shows that the holder of the card has successfully completed a hunter safety course approved by the commission is an acceptable substitute for the hunter safety certification card issued by the commission.

(6) All persons subject to the requirements of subsection (2) must have in their personal possession, proof of compliance with this section, while taking or attempting to take wildlife with the use of a firearm, gun, bow, or crossbow and must, unless the requirement to complete a hunter safety course is deferred pursuant to this section, display a valid hunter safety certification card to ~~county tax collectors or their subagents~~ in order to purchase a Florida hunting license. After the issuance of such a license, the license itself shall serve as proof of compliance with this section. A holder of a lifetime license whose license does not indicate on the face of the license that a hunter safety course has been completed must have in his or her personal possession a hunter safety certification card, as provided by this section, while attempting to take wild animal life with the use of a firearm, gun, bow, or crossbow.

(7) The hunter safety requirements of this section do not apply to persons for whom licenses are not required under s. 372.562(2).

(8) A person who violates this section commits a Level One violation under s. 372.83 ~~shall be cited for a noncriminal infraction, punishable as provided in s. 372.711.~~

Section 19. Section 372.573, Florida Statutes, is amended to read:

372.573 Management area permit revenues.--The commission shall expend the revenue generated from the sale of the management area permit as provided for in s. 372.57(8)(g) ~~s. 372.57(8)(h)~~ or that pro rata portion of

any license that includes management area privileges as provided for in s. 372.57(4)(h), (i), and (j) for the lease, management, and protection of lands for public hunting, fishing, and other outdoor recreation.

Section 20. Section 372.83, Florida Statutes, is amended to read:

(Substantial rewording of section. See

372.83, F.S., for present text.)

372.83 Penalties and violations; civil penalties for noncriminal infractions; criminal penalties; suspension and forfeiture of licenses and permits.--

(1)(a) LEVEL ONE VIOLATIONS.--A person commits a Level One violation if he or she violates any of the following provisions:

1. Rules or orders of the commission relating to the filing of reports or other documents required to be filed by persons who hold recreational licenses and permits issued by the commission.

2. Rules or orders of the commission relating to quota hunt permits, daily use permits, hunting zone assignments, camping, alcoholic beverages, vehicles, and check stations within wildlife management areas or other areas managed by the commission.

3. Rules or orders of the commission relating to daily use permits, alcoholic beverages, swimming, possession of firearms, operation of vehicles, and watercraft speed within fish management areas managed by the commission.

4. Rules or orders of the commission relating to vessel size or specifying motor restrictions on specified water bodies.

5. Section 370.063, providing for special recreational spiny lobster licenses.

6. Subsections (1) through (15) of s. 372.57, providing for recreational licenses to hunt, fish, and trap.

7. Section 372.5717, providing hunter safety course requirements.

8. Section 372.988, prohibiting deer hunting unless required clothing is worn.

(b) A person who commits a Level One violation commits a noncriminal infraction and shall be cited to appear before the county court.

(c)1. The civil penalty for committing a Level One violation involving the license and permit requirements of s. 372.57 is \$50 plus the cost of the license or permit, unless subparagraph 2. applies.

2. The civil penalty for committing a Level One violation involving the license and permit requirements of s. 372.57 is \$100 plus the cost of the license or permit, if the person cited has previously committed the same Level One violation within the preceding 36 months.

(d)1. The civil penalty for any other Level One violation is \$50 unless subparagraph 2. applies.

2. The civil penalty for any other Level One violation is \$100 if the person cited has previously committed the same Level One violation within the preceding 36 months.

(e) A person cited for a Level One violation shall sign and accept a citation to appear before the county court. The issuing officer may indicate on the citation the time and location of the scheduled hearing and shall indicate the applicable civil penalty.

(f) A person cited for a Level One violation may pay the civil penalty by mail or in person within 30 days after receipt of the citation. If the civil penalty is paid, the person shall be deemed to have admitted committing the Level One violation and to have waived his or her right to a hearing before the county court. Such admission may not be used as evidence in any other proceedings except to determine the appropriate fine for any subsequent violations.

(g) A person who refuses to accept a citation, who fails to pay the civil penalty for a Level One violation, or who fails to appear before a county court as required commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(h) A person who elects to appear before the county court or who is required to appear before the county court shall be deemed to have waived the limitations on civil penalties provided under paragraphs (c) and (d). After a hearing, the county court shall determine if a Level One violation has been committed, and if so, may impose a civil penalty of not less than \$50 for a first-time violation, and not more than \$500 for subsequent violations. A person found guilty of committing a Level One violation may appeal that finding to the circuit court. The commission of a violation must be proved beyond a reasonable doubt.

(i) A person cited for violating the requirements of s. 372.57 relating to personal possession of a license or permit may not be convicted if, prior to or at the time of a county court hearing, the person produces the required license or permit for verification by the hearing officer or the court clerk. The license or permit must have been valid at the time the person was cited. The clerk or hearing officer may assess a \$5 fee for costs under this paragraph.

(2)(a) LEVEL TWO VIOLATIONS.--A person commits a Level Two violation if he or she violates any of the following provisions:

1. Rules or orders of the commission relating to seasons or time periods for the taking of wildlife, freshwater fish, or saltwater fish.

2. Rules or orders of the commission establishing bag, possession, or size limits or restricting methods of taking wildlife, freshwater fish, or saltwater fish.

3. Rules or orders of the commission prohibiting access or otherwise relating to access to wildlife management areas or other areas managed by the commission.

4. Rules or orders of the commission relating to the feeding of wildlife, freshwater fish, or saltwater fish.

5. Rules or orders of the commission relating to landing requirements for freshwater fish or saltwater fish.

6. Rules or orders of the commission relating to restricted hunting areas, critical wildlife areas, or bird sanctuaries.

7. Rules or orders of the commission relating to tagging requirements for game and fur-bearing animals.

8. Rules or orders of the commission relating to the use of dogs for the taking of game.

9. Rules or orders of the commission which are not otherwise classified.

10. All prohibitions in chapter 370 which are not otherwise classified.

11. Section 370.028, prohibiting the violation of or noncompliance with commission rules.

12. Subsection 370.021(6) prohibiting the sale, purchase, harvest, or attempted harvest of any saltwater product with intent to sell.

13. Section 370.08, prohibiting the obstruction of waterways with net gear.

14. Section 370.1105, prohibiting the unlawful use of finfish traps.

15. Section 370.1121, prohibiting the unlawful taking of bonefish.

16. Paragraphs 370.13(2)(a) and (b), prohibiting the possession or use of stone crab traps without trap tags and theft of trap contents or gear.

17. Paragraph 370.135(1)(c), prohibiting the theft of blue crab trap contents or trap gear.

18. Paragraph 370.142 (2)(c), prohibiting the possession or use of spiny lobster traps without trap tags or certificates and theft of trap contents or trap gear.

19. Section 372.5704, prohibiting the possession of tarpon without purchasing a tarpon tag.

20. Section 372.667, prohibiting the feeding or enticement of alligators or crocodiles.

21. Section 372.705, prohibiting the intentional harassment of hunters, fishers, or trappers.

(b)1. A person who commits a Level Two violation but who has not been convicted of a Level Two or higher violation within the past 3 years commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. Unless the stricter penalties in subparagraph 3. or subparagraph 4. apply, a person who commits a Level Two violation within 3 years after a previous conviction for a Level Two or higher violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of \$250.

3. Unless the stricter penalties in subparagraph 4. apply, a person who commits a Level Two violation within 5 years after two previous convictions for a Level Two or higher violation, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of \$500 and a suspension of any recreational license or permit issued under s. 372.57 for 1 year. Such suspension shall include the suspension of the privilege to obtain such license or permit and the suspension of the ability to exercise any privilege granted under any exemption in s. 372.562.

4. A person who commits a Level Two violation within 10 years after three previous convictions for a Level Two or higher violation commits a

misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and a suspension of any recreational license or permit issued under s. 372.57 for 3 years. Such suspension shall include the suspension of the privilege to obtain such license or permit and the suspension of the ability to exercise any privilege granted under s. 372.562. If the recreational license or permit being suspended was an annual license or permit, any privileges under ss. 372.562 and 372.57 may not be acquired for a 3-year period following the date of the violation.

(3)(a) LEVEL THREE VIOLATIONS.--A person commits a Level Three violation if he or she violates any of the following provisions:

1. Rules or orders of the commission prohibiting the sale of saltwater fish.
2. Subsection 370.021(2), establishing major violations.
3. Subsection 370.021(4), prohibiting the possession of certain finfish in excess of recreational daily bag limits.
4. Section 370.081, prohibiting the illegal importation or possession of exotic marine plants or animals.
5. Section 372.26, prohibiting the importation of freshwater fish.
6. Section 372.265, prohibiting the importation of nonindigenous species of the animal kingdom without a permit issued by the commission.
7. Subsection 372.57(17), prohibiting the taking of game, freshwater fish, or saltwater fish while a required license is suspended or revoked.
8. Section 372.662, prohibiting the illegal sale or possession of alligators.
9. Subsections 372.99(1), (3), and (6), prohibiting the Illegal taking and possession of deer and wild turkey.
10. Section 372.9903, prohibiting the possession and transportation of commercial quantities of freshwater game fish.

(b)1. A person who commits a Level Three violation but who has not been convicted of a Level Three or higher violation within the past 10 years, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. A person who commits a Level Three violation within 10 years after a previous conviction for a Level Three or higher violation, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of \$750 and a suspension of any recreational license or permit issued under s. 372.57 for the remainder of the period for which the license or permit was issued up to 3 years. Such suspension shall include the suspension of the privilege to obtain such license or permit and the ability to exercise any privilege granted under s. 372.562. If the recreational license or permit being suspended was an annual license or permit, any privileges under ss. 372.562 and 372.57 may not be acquired for a 3-year period following the date of the violation.

3. A person who commits a violation of s. 372.57(17) shall receive a mandatory fine of \$1,000. Any privileges under ss. 372.562 and 372.57 may not be acquired for a 5-year period following the date of the violation.

(4)(a) LEVEL FOUR VIOLATIONS.--A person commits a Level Four violation if he or she violates any of the following provisions:

1. Paragraph 370.13(2)(c), prohibiting criminal activities relating to the taking of stone crabs.
2. Paragraph 370.135(1)(b), prohibiting the willful molestation of blue crab gear.
3. Subsection 370.14(4), prohibiting the willful molestation of spiny lobster gear.
4. Subparagraph 370.142(2)(c)5., prohibiting the unlawful reproduction, possession, sale, trade, or barter of spiny lobster trap tags or certificates.
5. Subsection 372.57(16), prohibiting the making, forging, counterfeiting, or reproduction of a recreational license or possession of same without authorization from the commission.
6. Subsection 372.99(5), prohibiting the sale of illegally-taken deer or wild turkey.
7. Section 372.99022, prohibiting the molestation or theft of freshwater fishing gear.

(b) A person who commits a Level Four violation commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(5) VIOLATIONS OF CHAPTER.--Except as provided in this chapter:

(a) A person who commits a violation of any provision of this chapter commits, for the first offense, a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person who is convicted of a second or subsequent violation of any provision of this chapter commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6) SUSPENSION OR FORFEITURE OF LICENSE.--The court may order the suspension or forfeiture of any license or permit issued under this chapter to a person who is found guilty of committing a violation of this chapter.

(7) CONVICTION DEFINED.--As used in this section, the term "conviction" means any judicial disposition other than acquittal or dismissal.

Section 21. Section 372.935, Florida Statutes, is created to read:

372.935 Captive wildlife; penalties for violations.--

(1)(a) NONCRIMINAL INFRACTIONS.--A person commits a noncriminal infraction if he or she violates any of the following provisions:

1. Rules or orders of the commission requiring a no-cost permit to possess captive wildlife for personal use.

2. Rules or orders of the commission requiring that persons who are licensed to possess captive wildlife file reports or other documents.

(b) A person cited for committing a noncriminal infraction under this section shall be cited to appear before the county court. The civil penalty for a person found guilty of committing a noncriminal violation under this section is \$50, and the provisions of s. 372.83(1)(e)-(i) apply under this subsection.

(2) MISDEMEANORS.--A person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for violating any of the following provisions:

(a) Rules or orders of the commission which require the payment of a fee for a person to obtain a permit to possess captive wildlife.

(b) Rules or orders of the commission which require the maintenance of records relating to captive wildlife.

(c) Rules or orders of the commission relating to captive wildlife which are not specified in subsection (1).

(d) Section 372.86, prohibiting the possession or exhibition of poisonous or venomous reptiles without a license or permit.

(e) Section 372.88, prohibiting the exhibition of poisonous or venomous reptiles without posting a bond.

(f) Section 372.89, prohibiting the possession or exhibition of poisonous or venomous reptiles in an unsafe manner.

(g) Section 372.90, prohibiting the transportation of poisonous or venomous reptiles in an unsafe manner.

(h) Section 372.901, prohibiting the penning or caging of poisonous or venomous reptiles in an unsafe manner.

(i) Section 372.91, prohibiting certain persons from opening containers housing poisonous or venomous reptiles.

(j) Section 372.921, prohibiting the exhibition or sale of wildlife.

(k) Section 372.922, prohibiting the personal possession of wildlife.

Section 22. Section 372.26, Florida Statutes, is amended to read:

372.26 Imported fish.--

(1) No person shall import into the state or place in any of the fresh waters of the state any freshwater fish of any species without having first obtained a permit from the Fish and Wildlife Conservation Commission. The commission is authorized to issue or deny such a permit upon the completion of studies of the species made by it to determine any detrimental effect the species might have on the ecology of the state.

(2) A person who violates this section commits a Level Three violation under s. 372.83. ~~Persons in violation of this section shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 23. Section 372.265, Florida Statutes, is amended to read:

372.265 Regulation of foreign animals.--

(1) It is unlawful to import for sale or use, or to release within this state, any species of the animal kingdom not indigenous to Florida without having obtained a permit to do so from the Fish and Wildlife Conservation Commission.

(2) The Fish and Wildlife Conservation Commission is authorized to issue or deny such a permit upon the completion of studies of the species made by it

to determine any detrimental effect the species might have on the ecology of the state.

(3) ~~A person~~ ~~Persons~~ in violation of this section commits a Level Three violation under s. 372.83 ~~shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 24. Subsection (2) of section 372.661, Florida Statutes, is amended to read:

372.661 Private hunting preserve license fees; exception.--

(2) A commercial hunting preserve license, which shall exempt patrons of licensed preserves from the license and permit requirements of s. 372.57(4)(c), (d), (f), (h), (i), and (j); (5)(f) and (g); (8)(a), (b), ~~and (c), and (f)~~; (9)(a)2.; (11); and (12) while hunting on the licensed preserve property, shall be \$500. Such commercial hunting preserve license shall be available only to those private hunting preserves licensed pursuant to this section which are operated exclusively for commercial purposes, which are open to the public, and for which a uniform fee is charged to patrons for hunting privileges.

Section 25. Section 372.662, Florida Statutes, is amended to read:

372.662 Unlawful sale, possession, or transporting of alligators or alligator skins.--Whenever the sale, possession, or transporting of alligators or alligator skins is prohibited by any law of this state, or by the rules, regulations, or orders of the Fish and Wildlife Conservation Commission adopted pursuant to s. 9, Art. IV of the State Constitution, the sale, possession, or transporting of alligators or alligator skins is a Level Three violation under s. 372.83 ~~misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 26. Section 372.667, Florida Statutes, is amended to read:

372.667 Feeding or enticement of alligators or crocodiles unlawful; penalty.--

(1) No person shall intentionally feed, or entice with feed, any wild American alligator (*Alligator mississippiensis*) or American crocodile (*Crocodylus acutus*). However, the provisions of this section shall not apply to:

(a) Those persons feeding alligators or crocodiles maintained in protected captivity for educational, scientific, commercial, or recreational purposes.

(b) Fish and Wildlife Conservation Commission personnel, persons licensed or otherwise authorized by the commission, or county or municipal animal control personnel when relocating alligators or crocodiles by baiting or enticement.

(2) For the purposes of this section, the term "maintained in protected captivity" means held in captivity under a permit issued by the Fish and Wildlife Conservation Commission pursuant to s. 372.921 or s. 372.922.

(3) Any person who violates this section commits a Level Two violation under s. 372.83 ~~is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 27. Section 372.705, Florida Statutes, is amended to read:

372.705 Harassment of hunters, trappers, or fishers.--

(1) A person may not intentionally, within a publicly or privately owned wildlife management or fish management area or on any state-owned water body:

(a) Interfere with or attempt to prevent the lawful taking of fish, game, or nongame animals by another.

(b) Attempt to disturb fish, game, or nongame animals or attempt to affect their behavior with the intent to prevent their lawful taking by another.

(2) Any person who violates this section commits a Level Two violation under s. 372.83 ~~subsection (1) is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 28. Section 372.988, Florida Statutes, is amended to read:

372.988 Required clothing for persons hunting deer.--It is a Level One violation under s. 372.83 ~~unlawful~~ for any person to hunt deer, or for any person to accompany another person hunting deer, during the open season for the taking of deer on public lands unless each person shall wear a total of at least 500 square inches of daylight fluorescent orange material as an outer garment. Such clothing shall be worn above the waistline and may include a head covering. The provisions of this section shall not apply to any person hunting deer with a bow and arrow during seasons restricted to hunting with a bow and arrow.

Section 29. Subsection (1) of section 372.99022, Florida Statutes, is amended to read:

372.99022 Illegal molestation of or theft from freshwater fishing gear.--

(1)(a) Any person, firm, or corporation that willfully molests any authorized and lawfully permitted freshwater fishing gear belonging to another without the express written consent of the owner commits a Level Four violation under s. 372.83 ~~felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~ Any written consent must be available for immediate inspection.

(b) Any person, firm, or corporation that willfully removes the contents of any authorized and lawfully permitted freshwater fishing gear belonging to another without the express written consent of the owner commits a Level Four violation under s. 372.83 ~~felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~ Any written consent must be available for immediate inspection.

A person, firm, or corporation that receives a citation for a violation of this subsection is prohibited, immediately upon receipt of such citation and until adjudicated or convicted of a felony under this subsection, from transferring any endorsements.

Section 30. Section 372.99, Florida Statutes, is amended to read:

372.99 Illegal taking and possession of deer and wild turkey; evidence; penalty.--

(1) Whoever takes or kills any deer or wild turkey, or possesses a freshly killed deer or wild turkey, during the closed season prescribed by law or by the rules and regulations of the Fish and Wildlife Conservation Commission, or whoever takes or attempts to take any deer or wild turkey by the use of gun and light in or out of closed season, commits a Level Three violation under s. 372.83 ~~is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083,~~ and shall forfeit any license or permit issued to her or him under the provisions of this chapter. No license shall be issued to such person for a period of 3 years following any such violation on the first offense. Any person guilty of a second or subsequent violation shall be permanently ineligible for issuance of a license or permit thereafter.

(2) The display or use of a light in a place where deer might be found and in a manner capable of disclosing the presence of deer, together with the possession of firearms or other weapons customarily used for the taking of deer, between 1 hour after sunset and 1 hour before sunrise, shall be prima facie evidence of an intent to violate the provisions of subsection (1). This subsection does not apply to an owner or her or his employee when patrolling or inspecting the land of the owner, provided the employee has satisfactory proof of employment on her or his person.

(3) Whoever takes or kills any doe deer; fawn or baby deer; or deer, whether male or female, which does not have one or more antlers at least 5 inches in length, except as provided by law or the rules of the Fish and Wildlife Conservation Commission, during the open season prescribed by the rules of the commission, commits a Level Three violation under 372.83 ~~is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083,~~ and may be required to forfeit any license or permit issued to such person for a period of 3 years following any such violation on the first offense. Any person guilty of a second or subsequent violation shall be permanently ineligible for issuance of a license or permit thereafter.

(4) Any person who cultivates agricultural crops may apply to the Fish and Wildlife Conservation Commission for a permit to take or kill deer on land which that person is currently cultivating. When said person can show, to the satisfaction of the Fish and Wildlife Conservation Commission, that such taking or killing of deer is justified because of damage to the person's crops caused by deer, the Fish and Wildlife Conservation Commission may issue a limited permit to the applicant to take or kill deer without being in violation of subsection (1) or subsection (3).

(5) Whoever possesses for sale or sells deer or wild turkey taken in violation of this chapter or the rules and regulations of the commission commits a Level Four violation under s. 372.83 ~~is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(6) Any person who enters upon private property and shines lights upon such property, without the express permission of the owner of the property and with the intent to take deer by utilizing such shining lights, commits a Level

~~Three violation under s. 372.83 shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 31. Subsection (1) of section 372.9903, Florida Statutes, is amended to read:

372.9903 Illegal possession or transportation of freshwater game fish in commercial quantities; penalty.--

(1) Whoever possesses, moves, or transports any black bass, bream, speckled perch, or other freshwater game fish in commercial quantities in violation of law or the rules of the Fish and Wildlife Conservation Commission ~~commits a Level Three violation under s. 372.83 shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 32. Paragraph (a) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.--

(3) OFFENSE SEVERITY RANKING CHART

Florida	Felony		509.151(1)	3rd	Unauthorized use, possession, forgery, or alteration of food stamps, Medicaid ID, value greater than \$200.
Statute	Degree	Description	517.302(1)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
24.118(3)(a)	3rd	(a) LEVEL 1 Counterfeit or altered state lottery ticket.	562.27(1)	3rd	False statement or representation to obtain or increase unemployment compensation benefits.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.	713.69	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.	812.014(3)(c)	3rd	Violation of the Florida Securities and Investor Protection Act.
316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.	812.081(2)	3rd	Possess still or still apparatus.
319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.	815.04(4)(a)	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.	817.52(2)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.	817.569(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
322.212 (1)(a)-(c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver's license; possession of simulated identification.	826.01	3rd	Offense against intellectual property (i.e., computer programs, data).
322.212(4)	3rd	Supply or aid in supplying unauthorized driver's license or identification card.	828.122(3)	3rd	Hiring with intent to defraud, motor vehicle services.
322.212(5)(a)	3rd	False application for driver's license or identification card.	831.04(1)	3rd	Use of public record or public records information to facilitate commission of a felony.
370.13(2)(c)1.	3rd	Molest any stone crab trap, line, or buoy which is property of licenseholder.	831.31(1)(a)	3rd	Bigamy.
370.135(1)	3rd	Molest any blue crab trap, line, or buoy which is property of licenseholder.	832.041(1)	3rd	Fighting or baiting animals.
372.663(1)	3rd	Poach any alligator or crocodilia.			Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.

832.05 (2)(b)&(4)(c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
838.15(2)	3rd	Commercial bribe receiving.
838.16	3rd	Commercial bribery.
843.18	3rd	Fleeing by boat to elude a law enforcement officer.
847.011(1)(a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
849.01	3rd	Keeping gambling house.
849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
849.23	3rd	Gambling-related machines; "common offender" as to property rights.
849.25(2)	3rd	Engaging in bookmaking.
860.08	3rd	Interfere with a railroad signal.
860.13(1)(a)	3rd	Operate aircraft while under the influence.
893.13(2)(a)2.	3rd	Purchase of cannabis.
893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

Section 33. Section 372.831, Florida Statutes, is created to read:
372.831 Wildlife Violators Compact Act.--The Wildlife Violators Compact is created and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

ARTICLE I Findings and Purpose

(1) The participating states find that:

(a) Wildlife resources are managed in trust by the respective states for the benefit of all residents and visitors.

(b) The protection of the wildlife resources of a state is materially affected by the degree of compliance with state statutes, laws, regulations, ordinances, and administrative rules relating to the management of such resources.

(c) The preservation, protection, management, and restoration of wildlife contributes immeasurably to the aesthetic, recreational, and economic aspects of such natural resources.

(d) Wildlife resources are valuable without regard to political boundaries; therefore, every person should be required to comply with wildlife preservation, protection, management, and restoration laws, ordinances, and administrative rules and regulations of the participating states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap, or possess wildlife.

(e) Violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property.

(f) The mobility of many wildlife law violators necessitates the maintenance of channels of communication among the various states.

(g) In most instances, a person who is cited for a wildlife violation in a state other than his or her home state is:

1. Required to post collateral or a bond to secure appearance for a trial at a later date;

2. Taken into custody until the collateral or bond is posted; or

3. Taken directly to court for an immediate appearance.

(h) The purpose of the enforcement practices set forth in paragraph (g) is to ensure compliance with the terms of a wildlife citation by the cited person who, if permitted to continue on his or her way after receiving the citation, could return to his or her home state and disregard his or her duty under the terms of the citation.

(i) In most instances, a person receiving a wildlife citation in his or her home state is permitted to accept the citation from the officer at the scene of the violation and immediately continue on his or her way after agreeing or being instructed to comply with the terms of the citation.

(j) The practices described in paragraph (g) cause unnecessary inconvenience and, at times, a hardship for the person who is unable at the time to post collateral, furnish a bond, stand trial, or pay a fine, and thus is compelled to remain in custody until some alternative arrangement is made.

(k) The enforcement practices described in paragraph (g) consume an undue amount of time of law enforcement agencies.

(2) It is the policy of the participating states to:

(a) Promote compliance with the statutes, laws, ordinances, regulations, and administrative rules relating to the management of wildlife resources in their respective states.

(b) Recognize a suspension of the wildlife license privileges of any person whose license privileges have been suspended by a participating state and treat such suspension as if it had occurred in each respective state.

(c) Allow a violator, except as provided in subsection (2) of Article III, to accept a wildlife citation and, without delay, proceed on his or her way, whether or not the violator is a resident of the state in which the citation was issued, if the violator's home state is party to this compact.

(d) Report to the appropriate participating state, as provided in the compact manual, any conviction recorded against any person whose home state was not the issuing state.

(e) Allow the home state to recognize and treat convictions recorded against its residents, which convictions occurred in a participating state, as though they had occurred in the home state.

(f) Extend cooperation to its fullest extent among the participating states for enforcing compliance with the terms of a wildlife citation issued in one participating state to a resident of another participating state.

(g) Maximize the effective use of law enforcement personnel and information.

(h) Assist court systems in the efficient disposition of wildlife violations.

(3) The purpose of this compact is to:

(a) Provide a means through which participating states may join in a reciprocal program to effectuate the policies enumerated in subsection (2) in a uniform and orderly manner.

(b) Provide for the fair and impartial treatment of wildlife violators operating within participating states in recognition of the violator's right to due process and the sovereign status of a participating state.

ARTICLE II Definitions

As used in this compact, the term:

(1) "Citation" means any summons, complaint, summons and complaint, ticket, penalty assessment, or other official document issued to a person by a wildlife officer or other peace officer for a wildlife violation which contains an order requiring the person to respond.

(2) "Collateral" means any cash or other security deposited to secure an appearance for trial in connection with the issuance by a wildlife officer or other peace officer of a citation for a wildlife violation.

(3) "Compliance" with respect to a citation means the act of answering a citation through an appearance in a court or tribunal, or through the payment of fines, costs, and surcharges, if any.

(4) "Conviction" means a conviction that results in suspension or revocation of a license, including any court conviction, for any offense related to the preservation, protection, management, or restoration of wildlife which is prohibited by state statute, law, regulation, ordinance, or

administrative rule. The term also includes the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, the payment of a penalty assessment, a plea of *nolo contendere*, or the imposition of a deferred or suspended sentence by the court.

(5) "Court" means a court of law, including magistrate's court and the justice of the peace court.

(6) "Home state" means the state of primary residence of a person.

(7) "Issuing state" means the participating state that issues a wildlife citation to the violator.

(8) "License" means any license, permit, or other public document that conveys to the person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife regulated by statute, law, regulation, ordinance, or administrative rule of a participating state; any privilege to obtain such license, permit, or other public document; or any statutory exemption from the requirement to obtain such license, permit, or other public document. However, when applied to a license, permit, or privilege issued or granted by the State of Florida, only a license or permit issued under s. 372.57, or a privilege granted under s. 372.562, shall be considered a license.

(9) "Licensing authority" means the department or division within each participating state which is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or possess wildlife.

(10) "Participating state" means any state that enacts legislation to become a member of this wildlife compact.

(11) "Personal recognizance" means an agreement by a person made at the time of issuance of the wildlife citation that such person will comply with the terms of the citation.

(12) "State" means any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Provinces of Canada, and other countries.

(13) "Suspension" means any revocation, denial, or withdrawal of any or all license privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by any license.

(14) "Terms of the citation" means those conditions and options expressly stated upon the citation.

(15) "Wildlife" means all species of animals, including, but not limited to, mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as "wildlife" and are protected or otherwise regulated by statute, law, regulation, ordinance, or administrative rule in a participating state. Species included in the definition of "wildlife" vary from state to state and the determination of whether a species is "wildlife" for the purposes of this compact shall be based on local law.

(16) "Wildlife law" means any statute, law, regulation, ordinance, or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.

(17) "Wildlife officer" means any individual authorized by a participating state to issue a citation for a wildlife violation.

(18) "Wildlife violation" means any cited violation of a statute, law, regulation, ordinance, or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.

ARTICLE III

Procedures for Issuing State

(1) When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to any person whose primary residence is in a participating state in the same manner as though the person were a resident of the issuing state and shall not require such person to post collateral to secure appearance, subject to the exceptions noted in subsection (2), if the officer receives the recognizance of such person that he will comply with the terms of the citation.

(2) Personal recognizance is acceptable if not prohibited by local law; by policy, procedure, or regulation of the issuing agency; or by the compact manual and if the violator provides adequate proof of identification to the wildlife officer.

(3) Upon conviction or failure of a person to comply with the terms of a wildlife citation, the appropriate official shall report the conviction or failure to comply to the licensing authority of the participating state in which the wildlife

citation was issued. The report shall be made in accordance with procedures specified by the issuing state and must contain information as specified in the compact manual as minimum requirements for effective processing by the home state.

(4) Upon receipt of the report of conviction or noncompliance pursuant to subsection (3), the licensing authority of the issuing state shall transmit to the licensing authority of the home state of the violator the information in the form and content prescribed in the compact manual.

ARTICLE IV

Procedure for Home State

(1) Upon receipt of a report from the licensing authority of the issuing state reporting the failure of a violator to comply with the terms of a citation, the licensing authority of the home state shall notify the violator and shall initiate a suspension action in accordance with the home state's suspension procedures and shall suspend the violator's license privileges until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the home state licensing authority. Due-process safeguards shall be accorded.

(2) Upon receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state shall enter such conviction in its records and shall treat such conviction as though it occurred in the home state for purposes of the suspension of license privileges.

(3) The licensing authority of the home state shall maintain a record of actions taken and shall make reports to issuing states as provided in the compact manual.

ARTICLE V

Reciprocal Recognition of Suspension

(1) Each participating state may recognize the suspension of license privileges of any person by any other participating state as though the violation resulting in the suspension had occurred in that state and would have been the basis for suspension of license privileges in that state.

(2) Each participating state shall communicate suspension information to other participating states in the form and content contained in the compact manual.

ARTICLE VI

Applicability of Other Laws

Except as expressly required by provisions of this compact, this compact does not affect the right of any participating state to apply any of its laws relating to license privileges to any person or circumstance or to invalidate or prevent any agreement or other cooperative arrangement between a participating state and a nonparticipating state concerning the enforcement of wildlife laws.

ARTICLE VII

Compact Administrator Procedures

(1) For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a board of compact administrators is established. The board shall be composed of one representative from each of the participating states to be known as the compact administrator. The compact administrator shall be appointed by the head of the licensing authority of each participating state and shall serve and be subject to removal in accordance with the laws of the state he or she represents. A compact administrator may provide for the discharge of his or her duties and the performance of his or her functions as a board member by an alternate. An alternate is not entitled to serve unless written notification of his or her identity has been given to the board.

(2) Each member of the board of compact administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of the board's votes are cast in favor thereof. Action by the board shall be only at a meeting at which a majority of the participating states are represented.

(3) The board shall elect annually from its membership a chairman and vice chairman.

(4) The board shall adopt bylaws not inconsistent with the provisions of this compact or the laws of a participating state for the conduct of its business and shall have the power to amend and rescind its bylaws.

(5) The board may accept for any of its purposes and functions under this compact any and all donations and grants of moneys, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any governmental agency, and may receive, use, and dispose of the same.

(6) The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, individual, firm, corporation, or private nonprofit organization or institution.

(7) The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted pursuant to board action shall be contained in a compact manual.

ARTICLE VIII

Entry into Compact and Withdrawal

(1) This compact shall become effective at such time as it is adopted in substantially similar form by two or more states.

(2)(a) Entry into the compact shall be made by resolution of ratification executed by the authorized officials of the applying state and submitted to the chairman of the board.

(b) The resolution shall substantially be in the form and content as provided in the compact manual and must include the following:

1. A citation of the authority from which the state is empowered to become a party to this compact;

2. An agreement of compliance with the terms and provisions of this compact; and

3. An agreement that compact entry is with all states participating in the compact and with all additional states legally becoming a party to the compact.

(c) The effective date of entry shall be specified by the applying state, but may not be less than 60 days after notice has been given by the chairman of the board of the compact administrators or by the secretariat of the board to each participating state that the resolution from the applying state has been received.

(3) A participating state may withdraw from participation in this compact by official written notice to each participating state, but withdrawal shall not become effective until 90 days after the notice of withdrawal is given. The notice must be directed to the compact administrator of each member state. The withdrawal of any state does not affect the validity of this compact as to the remaining participating states.

ARTICLE IX

Amendments to the Compact

(1) This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the board of compact administrators and shall be initiated by one or more participating states.

(2) Adoption of an amendment shall require endorsement by all participating states and shall become effective 30 days after the date of the last endorsement.

ARTICLE X

Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact are severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States, or if the applicability thereof to any government, agency, individual, or circumstance is held invalid, the validity of the remainder of this compact shall not be affected thereby. If this compact is held contrary to the constitution of any participating state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the participating state affected as to all severable matters.

ARTICLE XI

Title

This compact shall be known as the "Wildlife Violator Compact."

Section 34. Section 372.8311, Florida Statutes, is created to read:

372.8311 Compact licensing and enforcement authority; administrative review.--

(1) LICENSING AND ENFORCEMENT AUTHORITY.--For purposes of this act and the interstate wildlife violator compact, the Fish and Wildlife Conservation Commission is the licensing authority for the State of Florida and shall enforce the interstate Wildlife Violators Compact and shall do all things within the commission's jurisdiction which are necessary to effectuate the purposes and the intent of the compact. The commission may execute a resolution of ratification to formalize the State of Florida's entry into the compact. Upon adoption of the Wildlife Violators Compact, the commission may adopt rules to administer the provisions of the compact.

(2) ADMINISTRATIVE REVIEW.--Any action committed or omitted by the Fish and Wildlife Conservation Commission under or in the enforcement of the Wildlife Violator Compact created in s. 372.831 is subject to review under chapter 120.

Section 35. For purposes of incorporating the crossbow season permit established under s. 372.57, Florida Statutes, the hunter safety course exemption established under s. 372.5717, Florida Statutes, and the Wildlife Violator Compact established under s. 372.831, Florida Statutes, the Fish and Wildlife Conservation Commission shall update the automated licensing system authorized under s. 372.551, Florida Statutes, by no later than August 1, 2006.

Section 36. Sections 372.711 and 372.912, Florida Statutes, are repealed.

Section 37. This act shall take effect July 1, 2006.

===== TITLE AMENDMENT =====

Remove the entire title and insert:

A bill to be entitled

An act relating to fish and wildlife; amending s. 370.01, F.S.; defining the term "commercial harvester"; amending s. 370.021, F.S.; providing for base penalties; conforming penalty provisions for commercial harvesters; providing penalties for persons other than commercial harvesters; conforming provisions relating to the spiny lobster; amending s. 370.028, F.S.; conforming penalty provisions; amending s. 370.061, F.S.; correcting a cross-reference; amending ss. 370.063, 370.08, 370.081, 370.1105, 370.1121, 370.13, 370.135, 370.14, and 370.142, F.S.; conforming penalty provisions for commercial harvesters; providing penalties for persons other than commercial harvesters; conforming provisions relating to the spiny lobster; deleting obsolete provisions; amending s. 372.562, F.S.; conforming a provision providing an exemption from fees and requirements; amending s. 372.57, F.S.; specifying seasonal recreational activities for which a license or permit is required; increasing fees for certain licenses to conform; providing a fee for a crossbow season permit; providing for crossbow season permits; providing penalties for the production, possession, and use of fraudulent fishing and hunting licenses; providing penalties for the taking of game and fish with a suspended or revoked license; conforming provisions relating to the spiny lobster; amending s. 372.5704, F.S.; conforming penalty provisions; amending ss. 372.571 and 372.573, F.S.; correcting cross-references; amending s. 372.5717, F.S.; authorizing the Fish and Wildlife Conservation Commission to defer the hunter safety education course requirement for a specified time period and for a specified number of times; providing for a special authorization and conditions to hunt using a hunter safety education deferral; deleting the mandatory minimum number of instructional hours for persons required to take the hunter safety education course; providing an exemption for the display of hunter safety education certificates; providing penalties; amending s. 372.83, F.S.; revising the penalties for violations of rules, orders, and regulations of the Fish and Wildlife Conservation Commission; creating penalties for recreational violations of certain saltwater fishing regulations established in ch. 370, F.S.; providing for court appearances in certain circumstances; providing for Level One, Level Two, Level Three, and Level Four offenses; providing for enhanced penalties for multiple violations; providing for suspension and revocation of licenses and permits, including exemptions from licensing and permit requirements; defining the term "conviction" for purposes of penalty provisions; creating s. 372.935, F.S.; providing penalties for violations involving captive wildlife and

poisonous or venomous reptiles; specifying violations that constitute noncriminal infractions or second-degree misdemeanors; amending ss. 372.26, 372.265, 372.661, 372.662, 372.667, 372.705, 372.988, 372.99022, 372.99, and 372.9903, F.S.; conforming penalty provisions; amending s. 921.0022, F.S.; deleting certain Level One offense designations; creating s. 372.831, F.S.; creating the Wildlife Violators Compact; providing findings and purposes; providing definitions; providing procedures for states issuing citations for wildlife violations; providing requirements for the home state of a violator; providing for reciprocal recognition of a license suspension; providing procedures for administering the compact; providing for entry into and withdrawal from the compact; providing for construction of the compact and for severability; creating s. 372.8311, F.S.; providing for enforcement of the compact by the Fish and Wildlife Conservation Commission; providing that actions committed or omitted by the Fish and Wildlife Conservation Commission in enforcing the compact are subject to review under ch. 120, F.S.; requiring that the Fish and Wildlife Conservation Commission update the automated licensing system by August 1, 2006; repealing s. 372.711, F.S., relating to noncriminal infractions; repealing s. 372.912, F.S.; relating to poisonous or venomous reptile hunts; providing an effective date.

Rep. Troutman moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 675—A bill to be entitled An act relating to the sale or lease of a county, district, or municipal hospital; amending s. 155.40, F.S.; clarifying construction with respect to actions of a lessee or purchaser; providing an effective date.

The Governmental Operations Committee recommended the following:

HB 675 CS—A bill to be entitled An act relating to the sale or lease of a county, district, or municipal hospital; amending s. 155.40, F.S.; providing for the effect of the sale of a public hospital to a private purchaser; providing that the purchaser of a public hospital is not acting on behalf of the public entity seller and is not an agency within the meaning of ch. 119, F.S., unless the sale document expressly provides to the contrary; providing an effective date.

—was read the second time by title.

Representative(s) Pickens offered the following:

(Amendment Bar Code: 234579)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (8) is added to section 155.40, Florida Statutes, to read:

155.40 Sale or lease of county, district, or municipal hospital.--

(8)(a) If a public hospital is sold by a public agency to a private corporation or other private entity pursuant to this section or pursuant to a special act of the Legislature and the purchase agreement provides that:

1. The private corporation or other private entity purchaser acquires 100 percent ownership in the hospital enterprise;

2. The private corporation or other private entity purchases the physical plant of the hospital facility and has complete responsibility for the operation and maintenance of the facility, regardless of ownership of the underlying real property;

3. The public agency seller retains no control over decisionmaking or policymaking for the hospital;

4. The private corporation or other private entity purchaser receives no funding from the public agency seller other than by contract for services rendered to patients for whom the public agency seller has the responsibility to pay for hospital or medical care;

5. The public agency seller makes no substantial investment in or loans to the private entity;

6. The private corporation or other private entity purchaser was not created by the public entity seller; and

7. The private corporation or other private entity purchaser operates primarily for its own financial interests and not primarily for the interests of the public agency.

then such a sale shall be considered a complete sale of the public agency's interest in the hospital.

(b) A complete sale of a hospital as described in this subsection shall not be construed as:

1. A transfer of a governmental function from the county, district, or municipality to the private corporation or other private entity purchaser;

2. Constituting a financial interest of the public agency in the private corporation or other private entity purchaser;

3. Making the private corporation or other private entity purchaser an "agency" as that term is used in statutes;

4. Making the private corporation or other private entity purchaser an integral part of the public agency's decisionmaking process; or

5. Indicating that the private corporation or other private entity purchaser is "acting on behalf of a public agency" as that term is used in statute.

Section 2. The Legislature finds that it is necessary to clarify that a public agency may sell its interest in a public hospital to a private corporation or other private entity and to establish that such a sale results in the privatization of the hospital enterprise. The Legislature finds that the sale of a hospital by a public agency to a private corporation or other private entity purchaser under this section is a complete sale where: the public agency retains no ownership interest in the hospital enterprise or the hospital facility, regardless of who owns the underlying property; the private corporation or other private entity has the complete responsibility for operation and maintenance of the hospital facility; the private corporation or other private entity receives no funds from the public agency seller other than by contract for services provided to patients for whom the public agency has responsibility to pay for medical or hospital services; the public agency makes no substantial investment or loan to the private corporation or other private entity; the private corporation or other private entity is not created by the public agency; and the private corporation or other private entity operates primarily for its own financial interests as opposed to those of the public agency. The Legislature further finds that a complete sale of the hospital under such circumstances eliminates any argument that the private corporation or other private entity continues to perform any governmental or public function, that the public agency retains any financial interest in the private purchaser or the hospital, that the private purchaser is an integral part in the public agency's decisionmaking process, or that the private entity is an "agency" or is "acting on behalf of a public agency" as those terms are used in statute. The Legislature further finds that the recognition of such sales as being complete sales of the formerly public hospital to a private corporation or other private entity is a public necessity so that private entities that purchase public hospitals are allowed to operate without unnecessary public interference. Some recent court decisions, however, have found that a private corporation or other private entity that purchases a public hospital is still a public agency for some purposes and have failed to recognize that the public agency does not retain any control over the private entity or the formerly public hospital following the complete sale of a public hospital to a private corporation or other private entity. Therefore, the Legislature finds that it is a necessity to confirm its intent that a private corporation or other private entity that purchases a formerly public hospital through a complete sale is not a public agency for any purpose. To find otherwise would place such a private corporation or other private entity that purchases a public hospital at a competitive disadvantage compared to other private entities that own private hospitals that were not formerly public hospitals and would serve as a disincentive for the purchase of a public hospital. Public agencies choose to sell their public hospitals to private corporations or other private entities when the public entity is no longer able to operate the hospital in a fiscally responsible manner and where taxpayers would otherwise be required to finance the operations of the hospital beyond indigent care. If a private corporation or other private entity that purchases a public hospital is treated as a public agency, then public agencies may find it difficult, if not impossible, to find a private corporation or other private entity

that is willing to purchase a public hospital. This could force the public agency to close the hospital, which would result in a reduction in health care services to the public, or continue operating the hospital using public tax dollars to subsidize recurring losses. Neither of these options is in the best interest of the public. Thus, the Legislature finds that if a private corporation or other private entity purchases a public hospital and the purchase agreement for that hospital meets the requirements established under this act, regardless of whether the corporation had previously leased that public hospital, that private corporation or other private entity is not a public agency for any purpose and does not act on behalf of the public agency.

Section 3. This act shall take effect upon becoming a law and shall apply to each private corporation or other private entity that has purchased a public hospital, regardless of whether such purchase occurred prior to the effective date of this act.

===== TITLE AMENDMENT =====

Remove the entire title and insert:

A bill to be entitled

An act relating to the sale or lease of a county, district, or municipal hospital; amending s. 155.40, F.S.; providing conditions under which the sale of a public hospital by a public agency to a private corporation or other private entity is considered a complete sale of the public agency's interest in the hospital; providing construction; providing legislative findings; providing applicability; providing an effective date.

Rep. Pickens moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 827—A bill to be entitled An act relating to pretrial release; amending s. 903.02, F.S.; providing that any judge setting or granting bail shall set a separate bail amount for each charge or offense; amending s. 903.046, F.S.; providing that a defendant forfeits the right to a presumption in favor of release on nonmonetary conditions if charged with a second or subsequent felony within a certain time period; amending s. 903.047, F.S.; requiring a defendant to comply with all conditions of pretrial release; amending s. 903.26, F.S.; providing for issuance of a *capias* or arrest warrant for a defendant who has failed to appear; providing requirements for such a *capias* or warrant; providing for exoneration of a surety and discharge of any bonds if a court fails or refuses to issue such *capias* or arrest warrant; providing that failure of the state attorney to institute extradition proceedings or extradite the principal on a bail bond after the surety's written agreement to pay actual transportation costs exonerates the surety; amending s. 903.27, F.S.; providing that in cases in which the bond forfeiture has been discharged by the court, the amount of the judgment may not exceed the amount of the unpaid fees or costs upon which the discharge had been conditioned; amending s. 903.31, F.S.; providing that the clerk of court shall furnish an executed certificate of cancellation to the surety; providing that the original appearance bond does not guarantee the defendant's conduct or appearance in court under certain circumstances; providing an effective date.

The Justice Council recommended the following:

HB 827 CS—A bill to be entitled An act relating to pretrial release; amending s. 903.02, F.S.; providing that any judge setting or granting bail shall set a separate bail amount for each charge or offense; amending s. 903.047, F.S.; requiring a defendant to comply with all conditions of pretrial release; amending s. 903.27, F.S.; providing that in cases in which the bond forfeiture has been discharged by the court, the amount of the judgment may not exceed the amount of the unpaid fees or costs upon which the discharge had been conditioned; amending s. 903.31, F.S.; providing that the clerk of court shall furnish an executed certificate of cancellation to the surety; providing that an acquittal or a withholding of adjudication of guilt shall satisfy bond conditions; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 801—A bill to be entitled An act relating to the Florida Ready to Work Certification Program; creating s. 1004.99, F.S.; creating the program to provide students with workforce skills assessment, instruction related to an occupation, and certification based on demonstration of such skills; providing for institutional eligibility; providing program components; authorizing rulemaking; providing appropriations; providing an effective date.

The Community Colleges & Workforce Committee recommended the following:

HB 801 CS—A bill to be entitled An act relating to the Florida Ready to Work Certification Program; creating s. 1004.99, F.S.; creating the program to enhance student workplace skills; providing for implementation; providing program components; authorizing rulemaking; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1297—A bill to be entitled An act relating to Town of Grant-Valkaria, Brevard County; creating the Town of Grant-Valkaria; providing a charter for the town; providing powers of the town; providing for liberal construction; providing for a town council-administrator form of government; providing corporate boundaries; providing that the town may contract with other governmental entities; providing for a town council and its powers and duties, compensation, and membership; providing for a mayor and vice mayor and their powers and duties; providing for filling of vacancies; providing for meetings of the town council; providing for ordinances; restricting the use of eminent domain; providing for a town administrator and his or her powers and duties, appointment, qualifications, and compensation; requiring the town administrator to furnish a security bond; providing for removal or absence of the town administrator; providing that the town may establish departments, offices, and agencies and providing for administration of those under the direction and supervision of the town administrator; providing for a personnel system; providing for a town attorney; providing for land use, development, and environmental planning; providing for accounting procedures; specifying the fiscal year of the town; requiring an annual audit; providing for availability of financial records of the town; providing for public deposits; providing requirements for purchase or sale of real property by the town; providing for an annual budget; authorizing the levy of certain taxes within the town; prohibiting the issuance of certain bonds or entering into certain types of contracts unless approved by referendum; providing for emergency appropriations; providing for town elections; providing for conduct of officials in office; providing for appointments and removals of town administrative officers and employees; providing that the town council shall deal with the town administrator and not officers and employees of the administrator; providing for regulation of campaign financing; requiring a long-range plan and a 5-year financial plan; providing for emergency operations; providing for dissolution; providing for charter amendment and review; providing for regulation of land use, zoning, and development; providing for transition, including an interim council, continuity and sources of revenues, and continuity of services; providing severability; requiring a referendum; providing an effective date.

The Finance & Tax Committee recommended the following:

HB 1297 CS—A bill to be entitled An act relating to the Town of Grant-Valkaria, Brevard County; creating the Town of Grant-Valkaria; providing a charter for the town; providing powers of the town; providing for liberal construction; providing for a town council-administrator form of government; providing corporate boundaries; providing that the town may contract with other governmental entities; providing for a town council and its powers and duties, compensation, and membership; providing for a mayor and vice mayor and their powers and duties; providing for filling of vacancies; providing for meetings of the town council; providing for ordinances; restricting the use of eminent domain; providing for a town administrator and

his or her powers and duties, appointment, qualifications, and compensation; requiring the town administrator to furnish a security bond; providing for removal or absence of the town administrator; providing that the town may establish departments, offices, and agencies and providing for administration of those under the direction and supervision of the town administrator; providing for a personnel system; providing for a town attorney; providing for land use, development, and environmental planning; providing for accounting procedures; specifying the fiscal year of the town; requiring an annual audit; providing for availability of financial records of the town; providing for public deposits; providing requirements for purchase or sale of real property by the town; providing for an annual budget; authorizing the levy of certain taxes within the town; prohibiting the issuance of certain bonds or entering into certain types of contracts unless approved by referendum; providing for emergency appropriations; providing for town elections; providing for conduct of officials in office; providing for appointments and removals of town administrative officers and employees; providing that the town council shall deal with the town administrator and not officers and employees of the administrator; providing for regulation of campaign financing; requiring a long-range plan and a 5-year financial plan; providing for emergency operations; providing for dissolution; providing for charter amendment and review; providing for regulation of land use, zoning, and development; providing for transition, including an interim council, continuity and sources of revenues, and continuity of services; providing severability; requiring a referendum; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1199—A bill to be entitled An act relating to statewide cable television franchises; providing a short title; amending s. 202.24, F.S.; prohibiting counties and municipalities from negotiating terms and conditions relating to cable services; deleting authorization to negotiate; revising application to existing ordinances or franchise agreements; amending s. 337.401, F.S.; deleting authorization for counties and municipalities to award cable service franchises and a restriction that cable service companies not operate without such a franchise; amending s. 337.4061, F.S.; revising definitions; creating ss. 610.102, 610.103, 610.104, 610.105, 610.106, 610.107, 610.108, 610.109, 610.110, 610.112, 610.113, 610.114, 610.115, and 610.116, F.S.; designating the Department of State as the authorizing authority; providing definitions; requiring state authorization to provide cable services; providing duties and responsibilities of the Department of State; providing application procedures and requirements; providing for issuing certificates of franchise authority; providing eligibility requirements and criteria for a certificate; prohibiting the department from imposing taxes, fees, or charges on a cable service provider to issue a certificate; prohibiting imposing buildout requirements on a certificateholder; imposing certain customer service requirements on cable service providers; requiring the Department of Agriculture and Consumer Services to receive customer service complaints; requiring provision of public, educational, and governmental access channels or capacity equivalent; providing criteria, requirements, and procedures; providing exceptions; providing responsibilities of municipalities and counties relating to such channels; providing for enforcement; providing requirements for and limitations on counties and municipalities relating to access to public right-of-way; prohibiting counties and municipalities from imposing additional requirements on certificateholders; authorizing counties and municipalities to require permits of certificateholders relating to public right-of-way; providing permit criteria and requirements; prohibiting discrimination between cable service subscribers; providing for enforcement; providing for determinations of violations; providing for enforcement of compliance by certificateholders; providing for applicability of other laws; providing severability; repealing s. 166.046, F.S., relating to definitions and minimum standards for cable television franchises imposed upon counties and municipalities; amending ss. 350.81 and 364.0361, F.S.; removing cross-references to conform; providing an effective date.

The Commerce Council recommended the following:

HB 1199 CS—A bill to be entitled An act relating to statewide cable television franchises; providing a short title; amending s. 202.24, F.S.; prohibiting counties and municipalities from negotiating terms and conditions relating to cable services; deleting authorization to negotiate; revising application to existing ordinances or franchise agreements; amending s. 337.401, F.S.; deleting authorization for counties and municipalities to award cable service franchises and a restriction that cable service companies not operate without such a franchise; amending s. 337.4061, F.S.; revising definitions; creating ss. 610.102, 610.103, 610.104, 610.105, 610.106, 610.107, 610.108, 610.109, 610.110, 610.112, 610.113, 610.114, 610.115, and 610.116, F.S.; designating the Department of State as the authorizing authority; providing definitions; requiring state authorization to provide cable services and competitive video programming services; providing requirements and procedures; providing for fees; providing duties and responsibilities of the Department of State; providing application procedures and requirements; providing for issuing certificates of franchise authority; providing eligibility requirements and criteria for a certificate; authorizing the department to adopt rules; providing for an application form; providing for fees; prohibiting the department from imposing taxes, fees, or charges on a cable service provider to issue a certificate; prohibiting imposing buildout requirements on a certificateholder; requiring certificateholders to make cable service available at certain public buildings under certain circumstances; imposing certain customer service requirements on cable service providers; requiring the Department of Agriculture and Consumer Services to receive customer service complaints; requiring provision of public, educational, and governmental access channels or capacity equivalent; providing criteria, requirements, and procedures; providing exceptions; providing responsibilities of municipalities and counties relating to such channels; providing for enforcement; requiring certificateholders to pay a portion of certain monthly revenues to municipalities or counties for a certain period of time; providing for continuing such payments pursuant to local government approval; authorizing continued payments to be itemized; providing criteria for such payments; providing requirements for and limitations on counties and municipalities relating to access to public right-of-way; prohibiting counties and municipalities from imposing additional requirements on certificateholders; authorizing counties and municipalities to require permits of certificateholders relating to public right-of-way; providing permit criteria and requirements; prohibiting discrimination between cable service subscribers; providing for enforcement; providing for determinations of violations; providing for enforcement of compliance by certificateholders; requiring the Office of Program Policy Analysis and Government Accountability to report to the Legislature on the status of competition in the cable service industry; providing report requirements; providing severability; repealing s. 166.046, F.S., relating to definitions and minimum standards for cable television franchises imposed upon counties and municipalities; amending ss. 350.81 and 364.0361, F.S.; removing cross-references to conform; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

Motion

On motion by Rep. Goodlette, the rules were waived and the House agreed to take up HB 7217 and HB 7173 for consideration.

HB 7217—A bill to be entitled An act relating to child support; amending s. 61.13, F.S.; requiring either or both parents who owe support to secure a child support award; amending s. 61.30, F.S.; providing conditions for the imputation of income by the court under certain circumstances; providing for the determination of net income; providing the child support guidelines schedule; revising amount of child care costs to be added to the basic child support obligation; revising method for calculating each parent's percentage share of the child support need; revising method of calculating the total minimum child support need; revising factors to be considered by the court in adjusting child support awards; providing for calculation of child support

orders in cases of split parenting arrangements; specifying the method for determining a child support order amount; amending s. 409.2564, F.S.; providing a threshold for arrearages before passport restrictions apply; amending s. 409.25641, F.S.; requiring the Department of Revenue to employ automated administrative enforcement of support orders in interstate cases; authorizing the department to establish a corresponding case under certain circumstances; requiring the Office of Program Policy Analysis and Government Accountability to evaluate state compliance with federally required review of child support guidelines and provide a report to the Governor and Legislature; providing an effective date.

The Health & Families Council recommended the following:

HB 7217 CS—A bill to be entitled An act relating to child support; amending s. 61.13, F.S.; requiring either or both parents who owe support to secure a child support award; amending s. 61.30, F.S.; providing conditions for the imputation of income by the court under certain circumstances; providing for the determination of net income; providing the child support guidelines schedule; providing for income levels above what is reflected in the schedule; revising amount of child care costs to be added to the basic child support obligation; revising method for calculating each parent's percentage share of the child support need; revising method of calculating the total minimum child support need; revising factors to be considered by the court in adjusting child support awards; providing for calculation of child support orders in cases of split parenting arrangements; specifying the method for determining a child support order amount; amending s. 409.2563, F.S.; providing for the imputation of income under certain circumstances; amending s. 409.2564, F.S.; revising a threshold for arrearages before passport restrictions apply; amending s. 409.25641, F.S.; requiring the Department of Revenue to employ automated administrative enforcement of support orders in interstate cases; authorizing the department to establish a corresponding case under certain circumstances; requiring the Office of Program Policy Analysis and Government Accountability to evaluate state compliance with federally required review of child support guidelines and provide a report to the Governor and Legislature; providing an effective date.

—was read the second time by title.

On motion by Rep. Galvano, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative(s) Galvano offered the following:

(Amendment Bar Code: 766743)

Amendment 1—Remove line(s) 543-544 and insert:
the custodial parent's low income and ability to maintain the basic

Rep. Galvano moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 7173—A bill to be entitled An act relating to the welfare of children; amending s. 39.001, F.S.; providing additional purposes of ch. 39, F.S.; revising legislative intent; creating the Office of Child Abuse Prevention within the Executive Office of the Governor; directing the Governor to appoint a director of the office; providing duties and responsibilities of the director; providing procedures for evaluation of child abuse prevention programs; requiring a report to the Governor, Legislature, secretaries of certain state agencies, and certain committees of the Legislature; providing for information to be included in the report; providing for the development and implementation of a state plan for the coordination of child abuse prevention programs and services; establishing a Child Abuse Prevention Advisory Council; providing for membership, duties, and responsibilities; requiring requests for funding to be based on the state plan; providing for review and revision of the state plan; granting rulemaking authority to the Executive Office of the Governor; requiring the Legislature to evaluate the office by a specified date; amending s. 39.0014, F.S.; providing

responsibilities of the office under ch. 39, F.S.; amending s. 39.01, F.S.; providing and revising definitions; amending s. 39.202, F.S.; providing access to records for agencies that provide early intervention and prevention services; amending ss. 39.0015 and 39.302, F.S.; conforming cross-references; amending s. 402.164, F.S.; establishing legislative intent for the statewide and local advocacy councils; amending s. 402.165, F.S.; providing guidelines for selection of the executive director of the Florida Statewide Advocacy Council; establishing a process for investigating reports of abuse; revising council meeting requirements; providing requirements for interagency agreements; requiring interagency agreements to be renewed annually and submitted to the Governor by a specified date; amending s. 409.1451, F.S., relating to independent living transition services; revising eligibility requirements for certain young adults; revising duties of the Department of Children and Family Services regarding independent living transition services; including additional parties in the review of a child's academic performance; requiring the department or a community-based care lead agency under contract with the department to develop a plan for delivery of such services; requiring additional aftercare support services; providing additional qualifications to receive an award under the Road-to-Independence Program; providing procedures for the payment of awards; requiring collaboration between certain parties in the development of a plan regarding the provision of transitional services; requiring a community-based care lead agency to develop a plan for purchase and delivery of such services and requiring department approval prior to implementation; permitting the Independent Living Services Advisory Council to have access to certain data held by the department and certain agencies; amending s. 409.175, F.S.; revising the definition of the term "boarding school" to require such schools to meet certain standards within a specified timeframe; amending ss. 39.013, 39.701, and 1009.25, F.S.; conforming references to changes made by the act; providing an appropriation; providing an effective date.

The Health & Families Council recommended the following:

HB 7173 CS—A bill to be entitled An act relating to the welfare of children; amending s. 39.001, F.S.; providing additional purposes of ch. 39, F.S.; revising legislative intent; creating the Office of Child Abuse Prevention within the Executive Office of the Governor; directing the Governor to appoint a director of the office; providing duties and responsibilities of the director; providing procedures for evaluation of child abuse prevention programs; requiring a report to the Governor, Legislature, secretaries of certain state agencies, and certain committees of the Legislature; providing for information to be included in the report; providing for the development and implementation of a state plan for the coordination of child abuse prevention programs and services; establishing a Child Abuse Prevention Advisory Council; providing for membership, duties, and responsibilities; requiring requests for funding to be based on the state plan; providing for review and revision of the state plan; granting rulemaking authority to the Executive Office of the Governor; requiring the Legislature to evaluate the office by a specified date; amending s. 39.0014, F.S.; providing responsibilities of the office under ch. 39, F.S.; amending s. 39.01, F.S.; providing and revising definitions; amending s. 39.202, F.S.; providing access to records for agencies that provide early intervention and prevention services; amending ss. 39.0015, 39.013, and 39.302, F.S.; conforming cross-references and terminology; amending s. 39.701, F.S.; requiring the court to issue an order that is separate from other judicial review orders; amending s. 402.164, F.S.; establishing legislative intent for the statewide and local advocacy councils; revising a definition; amending s. 402.165, F.S.; providing for termination of members of the statewide council; providing guidelines for selection of the executive director of the Florida Statewide Advocacy Council; establishing a process for investigating reports of abuse; revising council meeting requirements; providing requirements for interagency agreements; requiring interagency agreements to be renewed annually and submitted to the Governor by a specified date; providing additional requirements for the statewide council to petition the circuit court for access to certain records; amending s. 409.1451, F.S., relating to independent living transition services; revising eligibility requirements for certain young adults; revising duties of the Department of Children and Family Services regarding independent living

transition services; including additional parties in the review of a child's academic performance; requiring the department or a community-based care lead agency under contract with the department to develop a plan for delivery of such services; requiring additional aftercare support services; providing additional qualifications to receive an award under the Road-to-Independence Program; deleting certain time restrictions for submitting applications; providing procedures for the payment of awards; requiring collaboration between certain parties in the development of a plan regarding the provision of transitional services; requiring a community-based care lead agency to develop a plan for purchase and delivery of such services and requiring department approval prior to implementation; requiring the department to submit a report annually to the Legislature on performance, oversight, and rule development; permitting the Independent Living Services Advisory Council to have access to certain data held by the department and certain agencies; amending s. 409.175, F.S.; revising the definition of the term "boarding school" to require such schools to meet certain standards within a specified timeframe; amending s. 409.903, F.S.; providing eligibility criteria for certain persons to qualify for medical assistance payments; creating s. 743.045, F.S.; removing the disability of nonage for certain youth in the legal custody of the Department of Children and Family Services; amending s. 1009.25, F.S.; providing additional criteria for a student to qualify for an exemption from certain tuition and fees; providing a contingent effective date.

—was read the second time by title.

On motion by Rep. Galvano, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative(s) Galvano offered the following:

(Amendment Bar Code: 274543)

Amendment 1 (with directory and title amendments)—Remove line(s) 1647-1650 and insert:

Section 16. For fiscal year 2006-2007, the sum of \$243,557 is appropriated from the General Revenue Fund to the Executive Office of the Governor for the establishment of the Office of Child Abuse Prevention, the sum of \$236,376 is appropriated from the General Revenue Fund to the Department of Children and Family Services to handle the increased workload as a result of the mandatory reporting requirement for public school personnel, and the sum of \$2,802,522 is appropriated from the General Revenue Fund and the sum of \$3,994,766 is appropriated from the Medical Care Trust Fund to the Agency for Health Care Administration to fund the Medicaid expansion.

Section 17. This act shall take effect July 1, 2006, except that ss. 409.1451(2) and 409.1451(5)(b)a., Florida Statutes, as created by this act, shall take effect only if a specific appropriation to fund the provisions of those sections is made in the General Appropriations Act for fiscal year 2006-2007.

Rep. Galvano moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 1093—A bill to be entitled An act relating to physicians; creating s. 381.0304, F.S.; requiring the Division of Health Access and Tobacco within the Department of Health to monitor, evaluate, and report on the supply and distribution of physicians and osteopathic physicians in the state; amending ss. 458.311 and 458.313, F.S.; requiring applicants for physician licensure to submit core credentials to the Federation of State Medical Boards for verification; reenacting s. 458.347(7)(b), F.S., relating to physician assistants, in order to incorporate the amendment to s. 458.311, F.S., in a reference thereto; amending ss. 458.316, 458.3165, and 458.317, F.S.; conforming cross-references; providing an appropriation; providing an effective date.

The Health & Families Council recommended the following:

HB 1093 CS—A bill to be entitled An act relating to physicians; creating s. 381.0304, F.S.; requiring the Division of Health Access and Tobacco of the

Department of Health to monitor, evaluate, and report on the supply and distribution of allopathic physicians and osteopathic physicians and medical education in the state; requiring the division to report on the supply and distribution of dentists in specified Agency for Health Care Administration Medicaid service areas; providing an appropriation; providing an effective date.

—was read the second time by title.

Representative(s) Altman offered the following:

(Amendment Bar Code: 156095)

Amendment 1—Remove line(s) 43-62 and insert:
and the Speaker of the House of Representatives by February 1, 2008, and annually thereafter.

Section 2. The Division of Health Access and Tobacco of the Department of Health shall analyze the supply and distribution of state-licensed dentists in the Agency for Health Care Administration's Areas One and Two using data that are available from public and private sources. The division shall determine whether such dentists are retired or working full time. The division shall submit a preliminary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2007, that identifies the supply and distribution of state-licensed dentists in the Agency for Health Care Administration's Areas One and Two, indicates whether state-licensed dentists in such areas are retired or working full time, and recommends strategies to improve a broader distribution of dentists in such areas if a shortage or maldistribution is determined to exist. The division shall submit a final report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2008.

Rep. Altman moved the adoption of the amendment, which was adopted.

Representative(s) Altman offered the following:

(Amendment Bar Code: 365925)

Amendment 2 (with title amendment)—Remove line(s) 63-68 and insert:

Section 3. This act shall take effect July 1, 2006, only if a specific appropriations to the Department of Health to fund the provisions of this act is made in the General Appropriations Act for fiscal year 2006-2007.

===== T I T L E A M E N D M E N T =====

Remove line(s) 13-14 and insert:

Car Administration Medicaid service areas; providing a contingent effective date.

Rep. Altman moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 1579—A bill to be entitled An act relating to the Sarasota Manatee Airport Authority; amending chapter 2003-309, Laws of Florida; authorizing and empowering the authority to be and serve as a local agency under part II, chapter 159, F.S., the Florida Industrial Development Financing Act; eliminating the aggregate limit on outstanding industrial development revenue bonds issued by the authority; authorizing and empowering the authority, to the extent permitted by the State Constitution and laws of this state, to establish, operate, or support subsidiary and affiliate entities, either for profit or not for profit, and to establish or support nonaffiliated corporations not for profit, to assist the authority in fulfilling its declared public purposes; authorizing the authority to participate in lawful forms of business organization to provide airport or aviation services or engage in activities related thereto; deleting hyphens in "Sarasota-Manatee Airport Authority" and "Sarasota-Bradenton International Airport"; substituting the Transportation Security Administration for the Federal Aviation Administration as the federal agency authorized to enforce security programs; renaming "airport authority police" as "airport police"; changing

the reference to adjacent campus from "University of South Florida" to "New College of Florida" for purposes of defining "airport grounds"; renaming "airport authority parking enforcement specialists" as "traffic control specialists"; providing an effective date.

The Local Government Council recommended the following:

HB 1579 CS—A bill to be entitled An act relating to the Sarasota Manatee Airport Authority; amending chapter 2003-309, Laws of Florida; authorizing and empowering the authority to be and serve as a local agency under pt. II of ch. 159, F.S., the Florida Industrial Development Financing Act; eliminating the aggregate limit on outstanding industrial development revenue bonds issued by the authority; deleting hyphens in "Sarasota-Manatee Airport Authority" and "Sarasota-Bradenton International Airport"; substituting the Transportation Security Administration for the Federal Aviation Administration as the federal agency authorized to enforce security programs; changing the reference to adjacent campus from "University of South Florida" to "New College of Florida" for purposes of defining the term "airport grounds"; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1559—A bill to be entitled An act relating to Brevard County; creating the Viera Stewardship District; providing a short title; providing legislative findings and intent; providing definitions; stating legislative policy regarding creation of the district; establishing compliance with minimum requirements in s. 189.404(3), F.S., for creation of an independent special district; providing for creation and establishment of the district; establishing the legal boundaries of the district; providing for the jurisdiction and charter of the district; providing for a board of supervisors and establishing membership criteria and election procedures; providing for board members' terms of office; providing for board meetings; providing for administrative duties of the board; providing a method for transition of the board from landowner control to control by the resident electors of the district; providing for a district manager and district personnel; providing for a district treasurer, selection of a public depository, and district budgets and financial reports; providing for the general powers of the district; providing for the special powers of the district to plan, finance, and provide community infrastructure and services within the district; providing for required notices to purchasers of residential units within the district; providing severability; providing for a referendum; providing an effective date.

The Local Government Council recommended the following:

HB 1559 CS—A bill to be entitled An act relating to Brevard County; creating the Viera Stewardship District; providing a short title; providing legislative findings and intent; providing definitions; stating legislative policy regarding creation of the district; establishing compliance with minimum requirements in s. 189.404(3), F.S., for creation of an independent special district; providing for creation and establishment of the district; establishing the legal boundaries of the district; providing for the jurisdiction and charter of the district; providing for a board of supervisors and establishing membership criteria and election procedures; providing for board members' terms of office; providing for board meetings; providing for administrative duties of the board; providing a method for transition of the board from landowner control to control by the resident electors of the district; providing for a district manager and district personnel; providing for a district treasurer, selection of a public depository, and district budgets and financial reports; providing for the general powers of the district; providing for the special powers of the district to plan, finance, and provide community infrastructure and services within the district; providing for required notices to purchasers of residential units within the district; providing severability; providing for a referendum; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 7215—A bill to be entitled An act relating to rural health care; amending s. 381.0405, F.S.; revising the purpose and functions of the Office of Rural Health in the Department of Health; requiring the Secretary of Health and the Secretary of Health Care Administration to appoint an advisory council to advise the office; providing for terms of office of the members of the advisory council; authorizing per diem and travel reimbursement for members of the advisory council; requiring the advisory council to work with certain stakeholders; requiring a report to the Governor and Legislature; amending s. 381.0406, F.S.; revising legislative findings and intent with respect to rural health networks; revising the definition of "rural health network"; providing additional functions of and requirements for membership in rural health networks; requiring rural health networks to submit rural health infrastructure development plans to the office by a specified date; revising provisions relating to the governance and organization of rural health networks; revising the services to be provided by provider members of rural health networks; requiring coordination among rural health networks and area health education centers, health planning councils, and regional education consortia; establishing a grant program for funding rural health networks; defining projects that may be funded through the grant program; requiring the department to establish rules governing rural health network grant programs and performance standards; amending s. 395.602, F.S.; defining "critical access hospital"; revising and deleting definitions; amending s. 395.603, F.S.; deleting a requirement that the Agency for Health Care Administration adopt a rule relating to deactivation of rural hospital beds under certain circumstances; requiring that rural critical access hospitals maintain a certain number of actively licensed beds; amending s. 395.604, F.S.; removing emergency care hospitals and essential access community hospitals from certain licensure requirements; specifying certain special conditions for rural primary care hospitals; amending s. 395.6061, F.S.; specifying the purpose of the rural hospital capital improvement grant program; providing for grant management by the agency; modifying the conditions for receiving a grant; deleting a requirement for a minimum grant for every rural hospital; establishing an assistance program within the agency for financially distressed rural and critical access hospitals; providing purpose of the program; providing requirements for receiving certain assistance; requiring a participation agreement and providing for contents thereof; creating s. 395.6070, F.S.; authorizing the agency to petition for the appointment of a receiver for a rural hospital when certain conditions exist; providing for hearings and notice; providing qualification of a receiver and time limitations; providing duties of the agency; providing powers and duties of the receiver with respect to the hospital and related contracts and the patients and their property; specifying liability of certain persons to pay a receiver for goods and services provided; providing that the receiver may petition to avoid certain contracts and specifying liabilities associated therewith; providing for compensation and liability of the receiver; providing for bond; providing conditions for termination of receivership; requiring an accounting to the court; providing liabilities of the owner, operator, and employees of a rural hospital placed in receivership; providing applicability of the Rural Hospital Patient Protection Trust Fund; creating s. 395.6071, F.S.; establishing the Rural Hospital Patient Protection Trust Fund; providing for funds collected to be used for specified purposes; providing for the expenditure of funds upon a declaration of local emergency; authorizing the agency to establish certain accounts for moneys received and for the disbursement thereof for certain purposes; providing limitations on expenditure of funds; providing for limited liability under certain circumstances; providing rulemaking authority to the agency; creating s. 408.7054, F.S.; establishing the Rural Provider Service Network Development Program; providing purposes and responsibilities; authorizing the agency to provide funding through a grant program for the establishment of rural provider service networks; providing eligibility requirements; authorizing preferential funding to certain providers; authorizing the agency to adopt rules; amending s. 409.908, F.S.; requiring the agency to pay certain physicians a bonus for Medicaid physician services provided within a rural county; amending ss. 408.07, 409.9116, and 1009.65, F.S.; conforming cross-references; repealing s. 395.605, F.S., relating to the licensure of emergency care hospitals; providing an effective date.

The Health & Families Council recommended the following:

HB 7215 CS—A bill to be entitled An act relating to rural health care; amending s. 381.0405, F.S.; revising the purpose and functions of the Office of Rural Health in the Department of Health; requiring the Secretary of Health and the Secretary of Health Care Administration to appoint an advisory council to advise the office; providing for terms of office of the members of the advisory council; authorizing per diem and travel reimbursement for members of the advisory council; requiring a report to the Governor and Legislature; amending s. 381.0406, F.S.; revising legislative findings and intent with respect to rural health networks; revising definitions; providing additional functions of and requirements for membership in rural health networks; requiring rural health networks to submit rural health infrastructure development plans to the office by a specified date; revising provisions relating to the governance and organization of rural health networks; revising the services to be provided by provider members of rural health networks; requiring coordination among rural health networks and area health education centers and health planning councils; establishing performance standards; establishing a grant program for funding rural health networks; defining projects that may be funded through the grant program; requiring the department to establish rules governing rural health network grant programs and performance standards; amending s. 395.602, F.S.; defining "critical access hospital"; revising and deleting definitions; amending s. 395.603, F.S.; deleting a requirement that the Agency for Health Care Administration adopt a rule relating to deactivation of rural hospital beds under certain circumstances; requiring that rural critical access hospitals maintain a certain number of actively licensed beds; amending s. 395.604, F.S.; removing emergency care hospitals and essential access community hospitals from certain licensure requirements; specifying certain special conditions for rural primary care hospitals; amending s. 395.6061, F.S.; specifying the purpose of the rural hospital capital improvement grant program; providing for grant management by the department; modifying the conditions for receiving a grant; providing for preferential assistance for financially distressed rural hospitals; providing purpose of the program; providing requirements for receiving certain assistance; requiring a participation agreement and providing for contents thereof; creating s. 408.7054, F.S.; establishing the Rural Provider Service Network Development Program; providing purposes; authorizing the agency to provide funding through a grant program for the establishment of rural provider service networks; providing eligibility requirements; authorizing preferential funding to certain providers; authorizing the agency to adopt rules; amending ss. 408.07, 409.9116, and 1009.65, F.S.; conforming cross-references; repealing s. 395.605, F.S., relating to the licensure of emergency care hospitals; creating s. 381.7366, F.S.; establishing the Office of Minority Health; providing legislative intent; providing for organization, duties, and responsibilities; requiring a report to the Governor and Legislature; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1629—A bill to be entitled An act relating to the Gainesville-Alachua County Regional Airport Authority; codifying, reenacting, amending, and repealing chapters 86-469, 89-433, and 95-457, Laws of Florida, relating to the authority; providing a short title; providing legislative findings and intent; providing definitions; providing purpose of the authority; providing for membership, organization, restrictions, and powers and duties of the authority; requiring a budget; specifying relationship between the authority and local government; providing for conveyance of land to the authority; authorizing issuance of bonds; providing bondholder rights and remedies; specifying covenant of the state; authorizing an alcoholic beverage license; providing for purchasing and award of contracts; exempting property from taxation; prohibiting discrimination; providing that the authority may sue and be sued; providing for severability; providing an effective date.

The Local Government Council recommended the following:

HB 1629 CS—A bill to be entitled An act relating to the Gainesville-Alachua County Regional Airport Authority; codifying, reenacting, amending, and repealing chapters 86-469, 89-433, and 95-457, Laws of Florida, relating to the authority; providing a short title; providing definitions; providing purpose of the authority; providing for membership, organization, restrictions, and powers and duties of the authority; requiring a budget; specifying relationship between the authority and local governments; providing for conveyance of land to the authority; authorizing issuance of bonds; specifying covenant of the state; authorizing an alcoholic beverage license; providing for purchasing and award of contracts; exempting property from taxation; prohibiting discrimination; authorizing the right to sue and be sued; providing for severability; providing an effective date.

—was read the second time by title.

Representative(s) Jennings offered the following:

(Amendment Bar Code: 209829)

Amendment 1 (with title amendment)—Remove line(s) 570-667 and insert:

governmental agency operating the Gainesville Regional Airport.

(a) Application shall be made with the division in the name of the authority or other governmental agency operating the Gainesville Regional Airport and the license shall be issued in the name of the applicant.

(b) The beverage license shall authorize the consumption of alcoholic beverages only on a licensed premises located within the Gainesville Regional Airport.

(c) The applicant shall pay to the division the applicable license fee provided in section 565.02, Florida Statutes.

(2) Any alcoholic beverage license issued in accordance with this section is the property of the authority or the governmental agency operating the Gainesville Regional Airport, subject to transfer as provided by this section. Such license may be transferred from time to time to a lessee operating within the Gainesville Regional Airport that meets all applicable qualifications for licensure under the Beverage Law.

(a) The authority or governmental agency operating the Gainesville Regional Airport and an authorized lessee shall make application to the division for the transfer of the license to a lessee, and the application shall be approved by the division if the lessee meets the applicable licensing requirements of the Beverage Law.

(b) Upon termination of a lease, the lessee shall immediately notify the division to transfer the license back to the authority or the governmental agency operating the Gainesville Regional Airport. Upon failure of a lessee to notify the division, the authority or the governmental agency operating the Gainesville Regional Airport shall immediately request the division in writing to transfer the license back to the authority or other governmental agency operating the Gainesville Regional Airport. Thereafter, the beverage license may be transferred to any lessee meeting qualification standards for licensure under the Beverage Law.

(c) Upon termination of a lease for any reason or other disqualification, the license shall automatically revert by operation of law to the authority or governmental agency operating the Gainesville Regional Airport.

(3) Each beverage license shall be for the term and subject to the same privileges or renewal as provided in sections 561.26 and 561.27, Florida Statutes. All provisions of the Beverage Law not inconsistent with this act shall apply to the license.

(4) This section does not preclude other persons operating on property of the authority from acquiring an alcoholic beverage license for use on its premises pursuant to general law.

Section 14. Purchasing and award of contracts.--Purchasing and award of contracts shall be consistent with the authority's purchasing policy and general law.

Section 15. Discrimination prohibited.--

(1) The authority and its lessees, including successors in interest, shall not because of race, color, sex, religion, national origin, age, or disability of any individual refuse to hire, employ, bar, or discharge from employment such

individual or to otherwise discriminate against such individual with respect to compensation, hire, tenure, terms, conditions, or privileges of employment.

(2) No person on the grounds of race, color, sex, religion, national origin, age, or disability shall be excluded from the participation in, denied the benefits of, or otherwise subjected to discrimination in the use of leased premises of the authority.

(3) In furnishing services or materials, or in the construction of any improvements, no person shall be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination with respect thereto.

(4) This section does not supersede or preempt any state or local laws prohibiting discrimination. The authority and its officers, employees, and agents shall be subject to federal, state, and local laws prohibiting discrimination to the extent provided by such laws.

Section 16. Litigation.--Nothing herein shall interfere with any legal action filed by or against the city or predecessor or predecessors of the authority. The authority may become a party in any such action as provided by law. Nothing herein shall impair the right of the city or the authority to initiate, pursue, or defend litigation.

Section 17. Severability.--If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are declared severable.

Section 4. Chapters 86-469, 89-433, and 95-457, Laws of Florida, are repealed.

Section 5. This act does not supersede any state or federal laws or any state or federal grant assurances.

Section 6. This act shall take effect upon becoming a law.

===== T I T L E A M E N D M E N T =====

Remove line 18 and insert:

contracts; prohibiting

Rep. Jennings moved the adoption of the amendment.

On motion by Rep. Jennings, by the required two-thirds vote, the House agreed to consider the following late-filed substitute amendment.

Representative(s) Jennings offered the following:

(Amendment Bar Code: 863227)

Substitute Amendment 1 (with directory and title amendments)--Remove everything after the enacting clause and insert:

Section 1. (1) The reenactment of existing law in this act shall not be construed as a grant of additional authority to or to supersede the authority of any entity pursuant to law. Exceptions to law contained in any special act that are reenacted pursuant to this act shall continue to apply.

(2) The reenactment of existing law in this act shall not be construed to modify, amend, or alter any covenants, contracts, or other obligations of any district with respect to bonded indebtedness. Nothing pertaining to the reenactment of existing law in this act shall be construed to affect the ability of any district to levy and collect taxes, assessments, fees, or charges for the purpose of redeeming or servicing bonded indebtedness of the district.

Section 2. Chapters 86-469, 89-433, and 95-457, Laws of Florida, are amended, codified, reenacted, and repealed as provided in this act.

Section 3. The charter for the Gainesville-Alachua County Regional Airport Authority is re-created and reenacted to read:

Section 1. Short title.--This act may be cited as the "Gainesville-Alachua County Regional Airport Authority Act."

Section 2. Definitions.--As used in this act, unless the context otherwise requires, the term:

(1) "Airport" means any area of land or water as described by City of Gainesville ordinance that is designed for the landing and taking off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft or for receiving and discharging passengers or cargo, and all

appurtenant areas used or suitable for airport buildings or other airport facilities, which may change from time to time by ordinance amendment.

(2) "Airport facilities" means facilities used for the transportation of people and cargo as described by City of Gainesville ordinance, including, but not limited to, runways, taxiways, taxi lanes, aprons, hangars, shops, terminals, buildings, parking lots, roadways, and all other facilities necessary or desirable for the landing, taking off, operating, servicing, repairing, and parking of aircraft, and the unloading and handling of passengers, mail, and express and freight cargo, together with all necessary appurtenances and equipment and all property rights, easements, and franchises relating thereto.

(3) "Authority" means the Gainesville-Alachua County Regional Airport Authority created herein.

(4) "Board of county commissioners" means the Board of County Commissioners of the County of Alachua.

(5) "Bond" includes bonds, debentures, notes, certificates of indebtedness, mortgage certificates, or other obligations or evidences of indebtedness of any type or character.

(6) "City" means the City of Gainesville.

(7) "City Commission" means the City Commission of the City of Gainesville.

(8) "County" means the County of Alachua.

(9) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof.

(10) "Revenue bonds" means obligations of the authority which are payable from revenues derived from sources other than ad valorem taxes on real or tangible personal property and which do not pledge the property, credit, or general tax revenue of the authority or the city.

(11) "Refunding bonds" means bonds issued to refinance outstanding bonds of any type and the interest and redemption premium thereon. Refunding bonds shall be issuable and payable in the same manner as the refinanced bonds, except that no approval by the electorate shall be required unless required by the State Constitution.

Section 3. Creation; purpose.--

(1) The Gainesville-Alachua County Regional Airport Authority is created, and the powers granted by this act are declared to be public and governmental functions, exercised for public purposes, and are matters of public necessity. Lands and other real and personal property, easements, and privileges acquired and used by the authority are declared to have been acquired for and used for public and governmental purposes and as a matter of public necessity. The authority is a public body corporate and is an independent special district.

(2) The authority shall have jurisdiction over the operation and maintenance of, and improvements to, the airport and airport facilities. The authority has jurisdiction, control, supervision, and management over other airports in the county except any airport owned, controlled, and operated by a private person. Said jurisdiction, control, supervision, and management are in the best interest of the county and each municipality.

Section 4. Membership of the authority.--

(1) The powers of the authority shall be vested in its members in office from time to time. There shall be nine members. No member shall receive any compensation for services as a member. As a condition of eligibility for appointment and to hold office, each member shall reside within the city or the county. However, one member appointed by the Governor may reside in a county contiguous to Alachua County. No person shall serve as a member of the authority and, at the same time, hold any publicly elected office in the State of Florida.

(2) Upon expiration of initial terms of office, subsequent appointments shall be made as follows:

(a) The Governor shall replace by appointment any of the three members appointed by him or her under chapter 95-457, Laws of Florida, on or prior to the date of expiration of the preceding term.

(b) The board of county commissioners shall replace by appointment the member appointed by it under chapter 95-457, Laws of Florida, on or prior to the date of expiration of the preceding term.

(c) The city commission shall replace by appointment any of the remaining five members on or prior to the expiration of the preceding term.

(3) If, upon expiration of a member's term of office, the appointing entity fails to replace by appointment its member, and the member is willing to continue to serve, the member with the expired term shall continue to serve until a replacement appointment is made.

(4) The term of any member initially appointed prior to the effective date of this act shall expire on July 31 of the year such member's term was scheduled to expire under chapter 95-457, Laws of Florida. No member shall serve more than two successive terms.

(5) All members appointed subsequent to the effective date of this act shall serve 3-year terms of office, beginning on August 1 and expiring on July 31 of the appropriate year.

(6) Except as may be otherwise provided herein, vacancies in office shall be filled for the balance of the term by the appropriate appointing entity, in the same manner as set forth in subsection (2). A vacant position shall remain vacant until a successor has been appointed by the appropriate appointing entity.

(7) A member may be removed by the entity appointing such member upon grounds constituting misfeasance, neglect of duty, incompetence, or permanent inability to perform official duties. Upon conviction of a felony, a member shall be automatically removed. The unexcused failure to attend three consecutive regular meetings of the authority shall be deemed neglect of duty, without limiting the meaning of the term "neglect of duty."

Section 5. Organization; meetings; notice; quorum.--A chair, vice chair, and secretary-treasurer shall be chosen by and from the authority membership. The chair, vice chair, and secretary-treasurer shall each serve a term of office of 1 year, and no member shall hold the same office for more than two consecutive terms.

(1) The authority shall meet at the call of the chair, at the request of three or more of its members, and at such other times as may be prescribed by rule of the authority.

(2) The authority shall give notice of all meetings at least 48 hours prior thereto, which shall be published in a newspaper in general circulation in Alachua County, and shall include agenda items whenever such items involve leasing of any airport property. All meetings of the authority shall be so noticed except emergency meetings, which shall only be called when there is an immediate danger to the public health, safety, or welfare, do not require at least 48 hours' prior public notice, and reasonable notice under the circumstances shall be provided in such cases.

(3) The presence of five members is required to constitute a quorum, and the affirmative vote of a majority of the members present and eligible to vote, but no fewer than four of the members present and eligible to vote, is required for any action or recommendation by the authority.

Section 6. Restrictions.--

(1) No person who has transacted business with the authority shall be eligible for appointment to the authority until 3 years after the last transaction. No person who has served on the authority shall be eligible to transact business with the authority until 3 years after the person's last date of service. Said transactions include transactions either for oneself or as an employee of, agent for, or consultant to any other person or legal entity. However, nothing in this paragraph shall be construed as prohibiting an appointed member from purchasing supplies or services from any fixed-base operators or tenants at the airport or Airport Industrial Park, or for renting individual aircraft hangars or tie-downs offered to the general public and owned by the authority, provided that the price and terms of the transaction are available to all members of the public.

(2) No member, officer, agent, or employee of the authority, either for himself or herself or as agent for anyone else, or as a stockholder or owner in any other legal entity, shall participate in or benefit directly or indirectly from any sale, purchase, lease, franchise, contract, or other transaction entered into by the authority or the city. The provisions of this subsection shall be cumulative to any general laws of the state that may from time to time be applicable to members, officers, agents, or employees of the authority and that require the disclosure of, or prohibit, conflicts of interest.

(3) No member, as an individual, may represent the authority, speak for the authority, or speak on behalf of the authority without being directed through a formal action of the authority to do so.

Section 7. Powers and duties.--

(1) The authority shall have jurisdiction over the operation and maintenance of all airport and airport facilities in the city or county, except any airport owned and operated by a private person.

(2) The authority has the power to and may:

(a) Approve, file with the chief executive officer (CEO), and pay any surety bond required of any member or of any employee of the authority.

(b) Advertise for sealed bids when required by law; however, the authority may reject all bids and readvertise or select a single item from any bid as further provided in this act.

(c) Adopt before October 1 an annual budget that has been prepared by the CEO and which must include an estimate of all revenues and anticipated expenditures for the following fiscal year.

(d) Require in all bond documents that moneys derived from such bonds be paid to or upon order of the authority.

(e) Have the authority's finances audited in the same manner as other independent special districts are audited.

(f) Rely on the provisions of this act in exercising its powers.

(g) Appoint or employ and constitute its own airport guards or police officers, or to contract with the city, county, or agency of the state to provide law enforcement services and protection through its duly sworn officers, and all such officers shall have full power of arrest to prevent or abate the commission of an offense against the ordinances of the city or county, the laws of this state, or the laws of the United States, when any such offense or threatened offense occurs upon airport property on the airport.

(h) Construct and maintain terminal buildings, causeways, roadways, bridges for approach to or connecting with the airport, on airport property.

(i) Require the secretary-treasurer and other officers or employees of the authority to execute an adequate surety bond, conditioned upon the faithful performance of the duties of the office or employment and in a penal sum fixed by the authority.

(j) Establish positions, duties, and a pay plan, and employ, pay, provide benefits for, promote, discipline, and terminate personnel and a CEO, in accordance with general law, who shall be responsible for the day-to-day administration, management, and operation of the airport in accordance with policy established by the authority and perform other duties as may be authorized by the authority.

(k) By policy or resolution, authorize the CEO to perform any of the powers of the authority in whole or in part and with whatever other limitations it may find appropriate, provided that said authorization does not result in an invalid exercise of delegated legislative authority as defined in general law.

(l) Employ or contract with technical and professional experts necessary to assist the authority in carrying out or exercising any powers granted by this act.

(m) Reimburse for all travel expenses incurred while on business for the authority, upon requisition, any member, its attorneys, the CEO, and any employee of the authority traveling under the direction of the CEO or the CEO's designee in accordance with section 112.061, Florida Statutes.

(n) Create, appoint, and prescribe the duties of any committee.

(o) Sue and be sued.

(p) Adopt, use, and alter a corporate seal.

(q) Publish advertisements.

(r) Waive advertisement when the authority determines an emergency exists and supplies and materials must be immediately acquired by the authority.

(s) Negotiate and enter into contracts, agreements, exclusive or limited agreements, and cooperation agreements of any kind necessary for the authority to fulfill the purposes of this act.

(t) Include contract specifications maximizing the employment of persons whose protected group has been underutilized in the past.

(u) Provide for the manual execution of any instrument on behalf of the authority by the signature of the chair or vice chair, and attested to by the secretary or the assistant secretary, or, if delegated by the members to do so, the CEO or any other authority personnel to whom authority has been delegated, or by the signer's facsimile signature in accordance with the Uniform Facsimile Signature of Public Officials Act.

(v) Purchase and sell equipment, supplies, and services required for its purposes.

(w) Consent to the sale, lease, transfer, disposition of, or granting a lesser interest in the airport. To let or lease the airport and the airport facilities or any portion thereof and to grant concessions upon such terms and conditions as it shall deem proper.

(x) Dispose of tangible personal property in accordance with chapter 274, Florida Statutes.

(y) Advertise, promote, and encourage the use and expansion of facilities under its jurisdiction.

(z) The airport shall have jurisdiction over the operation and maintenance of the airport and airport facilities. All development activity must be in accordance with the City of Gainesville's Comprehensive Plan and Land Development Regulations, except as set forth below in this paragraph, and with the Airport Master Zoning Plan to be adopted by the city commission and updated from time to time by the city commission. The airport may adopt its own development standards relating only to heights and design of buildings, landscaping, parking, sidewalks, lighting, and signage (excluding billboards and off-premises signs). If the authority formally adopts such development standards, they will apply in lieu of the comparable specific standards in the city's land development regulations.

(aa) Acquire real property in fee simple or any lesser interest or easement by purchase, gift, devise, lease, or other means if the authority is able to agree with the owners of said property on the terms of such acquisition. To acquire real property in fee simple or any lesser interest or easement as it may deem necessary for the property managing and operation of the airport and airport facilities, by condemnation in the manner provided by the law under which municipalities are authorized to acquire property for public purposes, with full power to exercise the right of eminent domain for such purposes being hereby granted to said authority as specified in and including all the powers, rights, and privileges of chapters 73 and 74, Florida Statutes, or any succeeding legislation. For the purposes of making surveys and examinations relative to any condemnation proceedings, it shall be lawful to enter upon any land, doing no unnecessary damage. The authority may take possession of any such property to be acquired at any time after the filing of the petition describing the same in condemnation proceedings, as provided in chapters 73 and 74, Florida Statutes. It shall not be precluded from abandoning the condemnation of any such property in any case where possession thereof has not been taken. To acquire or lease personal property in the name of the authority.

(bb) Reimburse the owner of any structure for which the authority may require removal, relocation, or reconstruction located in, on, under, or across any private property, public street, highway, or other public or private places for the estimated or actual expense of the removal, relocation, or reconstruction.

(cc) Supplement and coordinate in design and operation air navigation facilities with those established and operated by the federal and state governments.

(dd) Request the county or any municipality to convey to the authority the fee simple title to any airport or other property owned by the county or any municipality and needed for airport purposes.

(ee) Relinquish jurisdiction, control, supervision, and management over the airport or part of the airport which is under its jurisdiction but which is owned by a municipality, county, or other governmental agency, upon determining that any such airport or part of any such airport is no longer required for airport purposes, provided that the consent and approval of any municipality, county, or other governmental agency and any revenue bondholders are first obtained and necessary authorizations or approvals are received from federal agencies regulating airports.

(ff) Expend revenues for the cost of investigating, surveying, planning, acquiring, establishing, constructing, enlarging, improving, equipping, and erecting airport facilities by appropriation of revenues or wholly or partly from the proceeds of bonds of the authority. The term "cost" includes awards in condemnation proceedings, rentals where an acquisition is by lease, and amounts paid to utility companies for relocation of their wires, poles, and other facilities.

(gg) Incur expenses as provided in its annual budget and any amended budget.

(hh) Assess against and collect from the owner or operator of each airplane using any airport facility a landing fee or service charge sufficient to cover the cost of the service furnished to airplanes using any such facility, which cost may include the liquidation of bonds or other indebtedness for construction and improvement.

(ii) Accept federal, state, and any other public or private moneys, grants, contributions, or loans for the acquisition, construction, enlargement, improvement, maintenance, equipment, or operation of airport facilities, or any other lawful purpose.

(jj) Fix, alter, charge, establish, and collect rates, fees, rentals, and other charges for the services of the authority at reasonable and uniform rates.

(kk) Apply for, hold, and periodically transfer alcoholic beverage licenses as provided by this act.

(ll) Adopt and amend rules, regulations, and policies reasonably necessary for the implementation of this act.

(mm) By resolution, fix and enforce civil penalties for the violation of a rule, regulation, or policy adopted in accordance with this act relating to the operation of general aviation, air passenger service, or ground transportation service.

(nn) Amend the budget after its adoption.

(oo) Receive, deposit, secure, and pay out moneys as provided by this act.

(pp) Designate a depository or depositories which are qualified as a public depository pursuant to section 280.04, Florida Statutes, and thereafter establish and open an account or accounts into which revenues collected are to be deposited and from which expenditures may be made.

(qq) Establish and deposit into and expend moneys from a surplus fund by using funds that may remain unexpended at the end of the fiscal year and may be set aside in a separate fund to be known as the Capital Improvement Fund and accumulated and expended from year to year solely for the purpose of building and constructing permanent improvements, replacements, alterations, buildings, and other structures, including runways, taxi strips, and aprons.

(rr) By resolution, borrow money and issue bonds in the manner and within the limitation, except as otherwise provided in this act, prescribed by general law for the issuance and authorization of bonds; however, any bonds issued by the authority shall have a maturity date not exceeding 40 years from the date of issuance, shall be self-liquidating or otherwise payable from revenues of the authority, shall be payable semiannually, and shall not be a lien against the general taxing powers of the county or any municipality.

(ss) Enter into any agreements with any bank or trust company as security for its bonds, and assign and pledge any or all of its revenues. Such agreements may contain provisions customary in such instruments or as authorized by the authority.

(tt) Secure the payment of bonds or any part thereof by pledging all or any part of its revenues and provide for the security of said bonds, without pledging any real property rights to the airport or airport facilities, and the rights and remedies of the bondholders.

(uu) Pending the preparation of definitive bonds, issue certificates or temporary bonds to the purchaser of bonds.

(vv) Transact the business of the authority and exercise all powers necessarily incidental to the exercise of the general and special powers granted in this act and under any other law.

(ww) Do all acts and things necessary or convenient for the promotion of its business and the general welfare of the authority.

Section 8. Budget.--The fiscal year for the authority shall be October 1 through September 30 of each year. For each fiscal year after the effective date of this act:

(1) Prior to preparation of the annual budget as provided in subsection (2), the authority shall develop an annual proposed budget consisting of the elements described in subsection (2), which shall be presented for a public hearing before the citizens of Alachua County. This public hearing shall be noticed as a budget hearing.

(2) Following the public hearing conducted pursuant to subsection (1), the authority shall prepare an annual budget, consisting of an operating revenue/operating expense account, capital outlay account, and capital project account

for its operations in the ensuing fiscal year. At the time the authority prepares its annual budget, it shall adopt a resolution determining and finding the estimated amounts to be expended by the authority in the ensuing year in each account, exclusive of any bonds or other indebtedness of the authority, used to acquire, establish, construct, enlarge, operate, and maintain the airport and airport facilities and other facilities related thereto, or for any other corporate purpose of the authority.

(3) The authority may, at any time within a fiscal year, adopt budget amendments.

(4) All anticipated revenues to be derived from the operation of the airport and airport facilities shall be included in the budget, provided that any amounts of money, anticipated or actual, including funds in the authority's budget for the preceding fiscal year which remain unencumbered and unexpended from the revenue derived under the budget for the preceding fiscal year, may, by resolution of the authority, be set aside in a separate fund, to be known and described as a Renewal and Replacement Fund and accumulated in said fund from year to year for the purpose purchasing real and tangible personal property, and building and constructing permanent improvements, replacements, alterations, buildings, and other structures, including, but not limited to, runways, taxi strips, and aprons. Such funds may be disbursed from time to time out of the Renewal and Replacement Fund, upon proper resolution of the authority, solely for the payment of the cost of purchasing real and tangible personal property, and building and constructing permanent improvements, replacements, alterations, buildings, and other structures, including, but not limited to, runways, taxi strips, and aprons.

(5) The authority shall adopt budget procedures to establish the direct and indirect costs of operating and maintaining the airport and airport facilities, as well as the direct income derived therefrom. However, the budget of the authority shall not include the maintenance and upkeep of navigational aids as performed and funded directly by the Federal Aviation Administration.

(6) The city, the county, and the county's other political subdivisions may, by loan or grant, fund budget deficits of the authority, and all may guarantee bonds issued by the authority.

Section 9. Relationship between the authority and the city and county.-- The authority shall have the power and responsibility to operate the airport and airport facilities in a manner consistent with applicable federal, state, county, and city law. The city has no power to operate or maintain the airport and airport facilities. Applicable codes of the city shall apply to the airport except to the extent that different state or federal requirements are expressly applicable, and except to the extent that the authority or the airport has been made exempt from any requirement of the city by state or federal law. All construction upon the airport shall be subject to inspection by the city on behalf of the state and the city inspectors may ensure compliance with applicable state regulation for such construction in addition to applicable city regulations.

Section 10. Title to airport land.--The city may convey title to the land comprising the airport to the authority for no monetary consideration. Nothing in this act shall be construed to impair the obligations of any original agreements with the Federal Government.

Section 11. Bonds.--

(1) The authority is empowered and authorized to issue revenue or refund bonds. The purpose of the bonds shall be to pay all or any part of the cost for acquisition and development of property by the authority for the design and construction or reconstruction of any authorized project, for equipment, or for refunding of bonds for the same purpose.

(2) Bonds issued under this section shall be authorized by resolution of the authority. Such bonds may be issued in one or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, be in such denomination or denominations, be in such form, registered or not, with or without coupon, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment at such place or places, and be subject to such terms of redemption, with or without premium, be secured in such manner, and have such other characteristics as may be provided by such resolution or ordinance or trust indenture or mortgage issued pursuant thereto. Such bonds shall bear interest at such rate or rates allowed by section 215.84, Florida Statutes.

(3) The authority shall determine the terms and manner of sale and distribution or other disposition of any and all bonds it may issue and shall have any and all powers necessary or convenient to such disposition.

(4) The authority may establish and administer such sinking funds as it deems necessary or convenient for the payment, purchase, or redemption of any outstanding bonded indebtedness of the authority.

Section 12. Covenant of the state.--The state does pledge to, and agree with, the Federal Government and any person, firm, or corporation subscribing to or acquiring the bonds to be issued by the authority for the construction, acquisition, extension, improvement, or enlargement of projects, or any part thereof, that the state will not limit or alter the rights hereby vested in the authority until all bonds at any time issued, together with the interest thereon, are fully paid and discharged or until provision is made therefor. The state does further pledge to, and agree with, the Federal Government that in the event that the Federal Government shall construct or contribute any funds for the construction, acquisition, extension, improvement, or enlargement of said projects, or any part thereof, the state will not alter or limit the rights and powers of the authority in any manner which would be inconsistent with the continued maintenance and operation of the projects, or any part thereof, or the improvement thereof, or which would be inconsistent with the due performance of any agreements between the authority and the Federal Government, and the authority shall continue to have and may exercise all powers herein granted, so long as the same may be necessary or desirable for the carrying out of the purposes of this act and the purposes of the Federal Government in the construction or acquisition or improvement or enlargement of said projects or any part thereof.

Section 13. Alcoholic beverage license.--

(1) Notwithstanding any other provision of law, upon application to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, the division shall issue a beverage license as provided under section 561.17, Florida Statutes, to the authority or other governmental agency operating the Gainesville Regional Airport.

(a) Application shall be made with the division in the name of the authority or other governmental agency operating Gainesville Regional Airport and the license shall be issued in the name of the applicant.

(b) The beverage license shall authorize the consumption of alcoholic beverages only on a licensed premises located within the Gainesville Regional Airport.

(c) The applicant shall pay to the division the applicable license fee provided in section 565.02, Florida Statutes.

(2) Any alcoholic beverage license issued in accordance with this section is the property of the authority or the governmental agency operating Gainesville Regional Airport, subject to transfer as provided by this section. Such license may be transferred from time to time to a lessee operating within the Gainesville Regional Airport that meets all applicable qualifications for licensure under the Beverage Law.

(a) The authority or governmental agency operating the Gainesville Regional Airport and an authorized lessee shall make application to the division for the transfer of the license to a lessee, and the application shall be approved by the division if the lessee meets the applicable licensing requirements of the Beverage Law.

(b) Upon termination of a lease, the lessee shall immediately notify the division to transfer the license back to the authority or the governmental agency operating the Gainesville Regional Airport. Upon failure of a lessee to notify the division, the authority or the governmental agency operating Gainesville Regional Airport shall immediately request the division in writing to transfer the license back to the authority or other governmental agency operating the Gainesville Regional Airport. Thereafter, the beverage license may be transferred to any lessee meeting qualification standards for licensure under the Beverage Law.

(c) Upon termination of a lease for any reason or other disqualification, the license shall automatically revert by operation of law to the authority or governmental agency operating the Gainesville Regional Airport.

(3) Each beverage license shall be for the term and subject to the same privileges or renewal as provided in sections 561.26 and 561.27, Florida Statutes. All provisions of the Beverage Law not inconsistent with this act shall apply to the license.

(4) This section does not preclude other persons operating on property of the authority from acquiring an alcoholic beverage license for use on its premises pursuant to general law.

Section 14. Purchasing and award of contracts.--Purchasing and award of contracts shall be consistent with the authority's purchasing policy and general law.

Section 15. Discrimination prohibited.--

(1) The authority and its lessees, including successors in interest, shall not because of race, color, sex, religion, national origin, age, or disability of any individual refuse to hire, employ, bar, or discharge from employment such individual or to otherwise discriminate against such individual with respect to compensation, hire, tenure, terms, conditions, or privileges of employment.

(2) No person on the grounds of race, color, sex, religion, national origin, age, or disability shall be excluded from the participation in, denied the benefits of, or otherwise subjected to discrimination in the use of leased premises of the authority.

(3) In furnishing services or materials, or in the construction of any improvements, no person shall be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination with respect thereto.

(4) This section does not supersede or preempt any state or local laws prohibiting discrimination. The authority and its officers, employees, and agents shall be subject to federal, state, and local laws prohibiting discrimination to the extent provided by such laws.

Section 16. Litigation.--Nothing herein shall interfere with any legal action filed by or against the city or predecessor or predecessors of the authority. The authority may become a party in any such action as provided by law. Nothing herein shall impair the right of the city or the authority to initiate, pursue, or defend litigation.

Section 17. Severability.--If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or applications, and to this end the provisions of this act are declared severable.

Section 4. Chapters 86-469, 89-433, and 95-457, Laws of Florida, are repealed.

Section 5. This act does not supersede any state or federal laws or any state or federal grant assurances.

Section 6. This act shall take effect upon becoming a law.

===== T I T L E A M E N D M E N T =====

Remove line(s) the entire title and insert:

A bill to be entitled

An act relating to the Gainesville-Alachua County Regional Airport Authority; codifying, reenacting, amending, and repealing chapters 86-469, 89-433, and 95-457, Laws of Florida, relating to the authority; providing a short title; providing definitions; providing purpose of the authority; providing for membership, organization, restrictions, and powers and duties of the authority; requiring a budget; specifying relationship between the authority and local governments; providing for conveyance of land to the authority; authorizing issuance of bonds; specifying covenant of the state; authorizing an alcoholic beverage license; providing for purchasing and award of contracts; prohibiting discrimination; authorizing the right to sue and be sued; providing for severability; prohibiting supersession of certain laws and grant assurances; providing an effective date.

Rep. Jennings moved the adoption of the substitute amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 1563—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; revising provisions relating to confidential and exempt information that is or has been included in a court file and may be included as part of the court record available for public inspection and copying; providing requirements with respect to a request for redaction; revising provisions relating to confidential and exempt information included in a document

presented to the county recorder for recording in the official records of the county that may be made available as part of the official record available for public inspection and copying; revising provisions with respect to a request of a county recorder to remove from an image or copy of an official record confidential or exempt information contained in the official record; providing an additional requirement with respect to a request for redaction; specifying that provisions which prohibit an agency from denying a commercial entity specified access to social security numbers and which impose a fine on public officers who violate provisions relating to the confidentiality of personal information specified in s. 119.071(5)(a), F.S., do not apply to the clerks of court or the county recorder with respect to circuit records and official records; removing provisions which require the clerk of the circuit court and the county recorder, on January 1, 2007, and thereafter, to keep complete bank account, debit, charge, and credit card numbers exempt and social security numbers confidential and exempt without any person having to request redaction; requiring that, after a specified date, a party or person who files a document with the clerk of the court must redact any information deemed confidential and exempt by state or federal law before filing the document with the clerk of the court and provide a statutory citation supporting the exemption; requesting the Supreme Court to revise existing forms and to adopt a standardized reference sheet of confidential information for use in documents having information made confidential and exempt from inspection; providing procedures and requirements of clerks of court with respect to such reference sheets; providing for sealing of documents in court records; providing for the inspection of documents; providing for challenge of the basis of redaction; providing requirements of a clerk of court or county comptroller with respect to the redaction of specified information from a document from a court file or official record published on a publicly available website; providing procedures to be used when a person or party files a confidential document taken from one court file to be placed in another court file; requiring clerks of court to display and publish specified notice of the requirements of the act by a specified date; amending s. 55.01, F.S.; revising the required contents of a final judgment; providing an effective date.

The Governmental Operations Committee recommended the following:

HB 1563 CS—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; revising the date until which a confidential and exempt social security number or an exempt complete bank account, debit, charge, or credit card number included in a court file may be included as part of a court record available for public inspection and copying unless redaction is requested; providing that the clerk of the circuit court has no liability for the inadvertent release of certain confidential and exempt social security numbers or exempt bank account, debit, charge, or credit card numbers; revising the date until which a social security number or a complete bank account, debit, charge, or credit card number included in a document presented to the county recorder for recording in the official records of the county may be made available as part of the official record available for public inspection and copying; requiring the county recorder to use his or her best efforts to redact all social security numbers and complete bank account, debit, charge, or credit card numbers from electronic copies of official records documents; providing that the county recorder is not liable for the inadvertent release of certain confidential and exempt social security numbers or exempt bank account, debit, charge, or credit card numbers; revising the date on which the clerk of the circuit court and the county recorder must commence keeping complete bank account, debit, charge, and credit card numbers exempt and must commence keeping social security numbers confidential and exempt without any person having to request redaction; making editorial changes; reenacting s. 1007.35(8)(b), F.S., relating to access to information necessary to evaluate the effectiveness of delivered services from the Florida Partnership for Minority and Underrepresented Student Achievement, to incorporate the amendments made to s. 119.071, F.S., in a reference thereto; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

On motion by Rep. Joyner, consideration of **HB 1341** was temporarily postponed.

HB 527—A bill to be entitled An act relating to suicide prevention; creating s. 397.3335, F.S.; creating the Statewide Office for Suicide Prevention in the Office of Drug Control; providing the goals and objectives of the office; creating the position of statewide coordinator for the statewide office, contingent upon a specific appropriation; specifying the education and experience requirements for the position of coordinator; detailing the duties and responsibilities of the coordinator; authorizing the Statewide Office for Suicide Prevention to seek and accept grants or funds from any source to support its operation; creating s. 397.3336, F.S.; creating the Suicide Prevention Coordinating Council within the Office of Drug Control; providing the scope of activities for the coordinating council; creating an interagency workgroup for state agencies within the coordinating council in order to coordinate state agency plans for suicide prevention; authorizing the coordinating council to assemble an ad hoc committee to advise the coordinating council; requiring a report to the Governor and Legislature; providing for membership on and meetings of the coordinating council; providing per diem and travel expenses for coordinating council members; providing an effective date.

The Governmental Operations Committee recommended the following:

HB 527 CS—A bill to be entitled An act relating to suicide prevention; creating s. 397.3335, F.S.; creating the Statewide Office for Suicide Prevention in the Office of Drug Control; providing the goals and objectives of the office; creating the position of statewide coordinator for the statewide office, contingent upon a specific appropriation; specifying the education and experience requirements for the position of coordinator; detailing the duties and responsibilities of the coordinator; authorizing the Statewide Office for Suicide Prevention to seek and accept grants or funds from any source to support its operation; creating s. 397.3336, F.S.; creating the Suicide Prevention Coordinating Council within the Office of Drug Control; providing the scope of activities for the coordinating council; creating an interagency workgroup for state agencies within the coordinating council in order to coordinate state agency plans for suicide prevention; authorizing the coordinating council to assemble an ad hoc committee to advise the coordinating council; requiring a report to the Governor and Legislature; providing for membership on and meetings of the coordinating council; providing per diem and travel expenses for coordinating council members; providing an appropriation and authorizing a position; providing an effective date.

—was read the second time by title.

Representative(s) H. Gibson offered the following:

(Amendment Bar Code: 790189)

Amendment 1—Remove line(s) 211-228 and insert:
Council shall consist of 28 members.

(a) Fourteen members shall be appointed by the director of the Office of Drug Control and shall represent the following organizations:

1. The Substance Abuse and Mental Health Corporation, Inc., described in s. 394.655.
2. The Florida Association of School Psychologists.
3. The Florida Sheriffs Association.
4. The Suicide Prevention Action Network USA.
5. The Florida Initiative for Suicide Prevention.
6. The Florida Suicide Prevention Coalition.
7. The Alzheimer's Association.
8. The Florida School Board Association.
9. Volunteer Florida, Inc.
10. Florida AARP.
11. The Florida Alcohol and Drug Abuse Association.
12. The Florida Counseling Association.
13. The Florida Council for Community Mental Health.

14. The National Alliance on Mental Illness (NAMI) Florida, Inc.

Rep. H. Gibson moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 483—A bill to be entitled An act relating to nursing services; amending s. 395.0191, F.S.; requiring certain nurses to be present in operating rooms and function as circulating nurses during all operative or invasive procedures; defining the term "circulating nurse"; providing an effective date.

The Health & Families Council recommended the following:

HB 483 CS—A bill to be entitled An act relating to nursing services; amending s. 395.0191, F.S.; requiring hospitals to meet the requirements of a federal regulation relating to registered nurses performing circulating duties in operating rooms; requiring circulating nurses to be present in operating rooms during specified times; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 959—A bill to be entitled An act relating to motor vehicle safety; requiring that guardrails or other barriers be installed between a highway and an adjacent canal or waterway; requiring that the Department of Transportation adopt rules establishing certain standards governing the installation of the barriers; requiring that barriers be installed for existing highways by a specified date; defining the term "highway"; providing for installation and maintenance of required barriers by the department or the local governmental entity that maintains the highway adjacent to the barriers; providing an effective date.

The Transportation Committee recommended the following:

HB 959 CS—A bill to be entitled An act relating to a motor vehicle safety pilot program; requiring certain limited access facilities that are adjacent to a canal or other water body to have a system of guardrails, retention cables, or other barriers between the highway and the canal or water body; providing for the Department of Transportation to establish certain standards governing the installation and maintenance of the barriers; requiring that barriers be installed for existing highways by a specified date; providing for future review and repeal; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 819—A bill to be entitled An act relating to radiologist assistants; amending s. 468.301, F.S.; providing definitions; amending s. 468.302, F.S.; providing for identification of certified radiologist assistants; providing for the duties and limitations on duties of radiologist assistants; amending s. 468.304, F.S.; providing conditions for qualification for a radiologist assistant's certificate; amending s. 468.3065, F.S.; authorizing the Department of Health to issue certificates by endorsement to certain radiologist assistants; providing for a fee; amending s. 468.314, F.S.; revising membership on the Advisory Council on Radiation Protection; providing an effective date.

The Health Care Regulation Committee recommended the following:

HB 819 CS—A bill to be entitled An act relating to radiologist assistants; amending s. 468.3001, F.S.; redesignating part IV of ch. 468, F.S., as the "Radiological Personnel Certification Act"; amending s. 468.301, F.S.; providing definitions; amending s. 468.302, F.S.; providing for identification and duties of a radiologist assistant; providing for rulemaking by the Department of Health; providing limitations on duties a radiologist assistant may perform; amending s. 468.304, F.S.; providing conditions for qualification for a radiologist assistant's certificate; amending s. 468.306, F.S.; specifying the applicants required to pass a certification examination;

requiring the department to accept certain demonstrations by an applicant for a certification to practice as a radiologist assistant in lieu of any examination requirement; amending s. 468.3065, F.S.; authorizing the Department of Health to issue certificates by endorsement to certain radiologist assistants; providing for a fee; amending ss. 468.307, 468.309, 468.3095, 468.3101, 468.311, and 468.3115, F.S.; including radiologist assistants in provisions applicable to radiologic technologists with respect to requirements for certificate display, certificate renewal, change of certificate status, grounds for disciplinary action, violations, penalties, and injunctive relief; amending s. 468.314, F.S.; adding a certified radiologist assistant to the membership of the Advisory Council on Radiation Protection; providing an effective date.

—was read the second time by title.

Representative(s) Grant offered the following:

(Amendment Bar Code: 774241)

Amendment 1—Remove line(s) 107-108 and insert: radiation therapy technologist certificate; not interpret images; not make diagnoses; and not prescribe medications or therapies.

Rep. Grant moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 1291—A bill to be entitled An act relating to weapons; amending s. 790.001, F.S.; revising the definition of "weapon"; amending s. 790.115, F.S.; revising and clarifying provisions related to the prohibited exhibition and possession of specified weapons and firearms at a school-sponsored event or on school property; providing penalties; amending s. 810.095, F.S.; clarifying provisions with respect to prohibited trespass on school property with a firearm or other weapon; providing a penalty; providing an effective date.

The Criminal Justice Committee recommended the following:

HB 1291 CS—A bill to be entitled An act relating to weapons; amending s. 790.001, F.S.; revising the definition of "weapon"; amending s. 790.115, F.S.; revising and clarifying provisions related to the prohibited exhibition and possession of specified weapons and firearms at a school-sponsored event or on school property; providing penalties; amending s. 810.095, F.S.; clarifying provisions with respect to prohibited trespass on school property with a firearm or other weapon; providing a penalty; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1619—A bill to be entitled An act relating to supplemental powers and duties of district school boards; amending s. 1001.43, F.S.; authorizing district school boards to contract with photographers for the purpose of taking student yearbook photographs; permitting the inclusion of certain photographs; providing an effective date.

The Education Council recommended the following:

HB 1619 CS—A bill to be entitled An act relating to district school boards; amending s. 1001.43, F.S., relating to district school board powers and duties; allowing students to wear sun-protective items while outdoors during school hours; authorizing use of federal funds to purchase food when federal program guidelines permit such use; amending s. 1003.02, F.S.; authorizing district school boards to select vendors to market student class rings; providing criteria for selection of such vendors; requiring district school boards to notify students and parents that the purchase of a class ring may be through any vendor marketing class rings and that a student may participate in related ceremonies or activities regardless of the vendor through which the purchase was made; authorizing district school boards to contract with photographers for the purpose of taking student yearbook photographs and providing requirements; permitting the inclusion of certain photographs in student yearbooks; amending s. 1006.22, F.S.; revising provisions for district school

board transportation of students in vehicles other than school buses; authorizing use of such vehicles for trips to and from certain sites and activities; revising criteria for such vehicles and their use; requiring district school boards and charter schools to adopt a policy that addresses procedures and liability for trips using vehicles other than school buses; amending ss. 1013.501 and 1013.502, F.S.; redesignating the Florida Business and Education in School Together (Florida BEST) Program as A Business-Community School (ABC'S) Program; providing an effective date.

—was read the second time by title.

Representative(s) Traviesa offered the following:

(Amendment Bar Code: 608887)

Amendment 1 (with title amendment)—Remove line(s) 80-100 and insert:

(5)(a) If selecting a vendor to market class rings to students, request proposals from at least two vendors annually. Results of proposals, including vendor contact information, shall be open to the public and posted on the district school board's website.

(b) Vendors selected by the district school board may not discourage students from purchasing class rings from another vendor nor may they establish practices, policies, or procedures that interfere with the ability of students to purchase class rings from another vendor. Vendors may not discriminate against a student who purchases a class ring from another vendor.

(c) Students may not be prohibited from purchasing a class ring from any vendor and may not be excluded from participation in any ceremony or activity relating to the receipt of a class ring.

(6)(a) If entering into a contract with a photographer for the purpose of taking student photographs, request proposals from at least two photographers annually. Results of proposals, including vendor contact information, shall be open to the public and posted on the district school board's website.

(b) District school boards may not require students to purchase senior photographs from a contract vendor and must allow students to purchase photographs from a photographer of their choice. A student's senior photograph must be allowed to appear in the yearbook when taken by a photographer not under contract with the district school board if the photograph meets the reasonable specifications of the principal and yearbook staff for senior photographs.

===== TITLE AMENDMENT =====

Remove line(s) 12-22 and insert:

requiring certain district school boards to request proposals from at least two class ring vendors annually; requiring public access to information; providing criteria for selection of such vendors; requiring that the purchase of a class ring may be through any vendor marketing class rings and that a student may participate in related ceremonies or activities regardless of the vendor through which the purchase was made; requiring certain district school boards to request proposals from at least two photographers annually; requiring public access to information; allowing student choice of photographer; permitting the inclusion of certain

Rep. Traviesa moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 1239—A bill to be entitled An act relating to child abuse; amending s. 827.03, F.S.; revising the definition of the term "child abuse" to include inappropriate or excessively harsh discipline of a child by a parent, legal custodian, or caregiver; providing a criminal penalty; defining the term "inappropriate or excessively harsh corporal discipline"; reenacting ss. 775.082(9)(a), 787.04(5), and 901.15(8), F.S., relating to mandatory minimum sentences for certain reoffenders previously released from prison, removing minors from the state or concealing minors contrary to state agency order or court order, and when arrest by an officer without a warrant is lawful,

to incorporate the amendment to s. 827.03, F.S., in references thereto; providing an effective date.

The Justice Council recommended the following:

HB 1239 CS—A bill to be entitled An act relating to inappropriate or excessively harsh corporal discipline; amending s. 39.301, F.S.; including inappropriate or excessively harsh corporal discipline in the definition of "criminal conduct" for purposes of protective investigations; creating s. 827.032, F.S.; defining "inappropriate or excessively harsh corporal discipline"; prohibiting parents, legal custodians, or caregivers from inflicting inappropriate or excessively harsh corporal discipline; providing penalties; providing applicability; amending s. 921.0022, F.S.; including offenses involving inappropriate or excessively harsh corporal discipline within the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

—was read the second time by title.

Representative(s) Stargel offered the following:

(Amendment Bar Code: 386695)

Amendment 1—Remove line(s) 48 and 49 and insert:
"discipline" means an act of discipline that results in any of the following or

REPRESENTATIVE RUSSELL IN THE CHAIR

Rep. Stargel moved the adoption of the amendment. Subsequently, **Amendment 1** was withdrawn.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 873—A bill to be entitled An act relating to building designations; designating the new alumni center at Florida Atlantic University as the Marleen and Harold Forkas Alumni Center; directing the erection of suitable markers; providing an effective date.

The Education Council recommended the following:

HB 873 CS—A bill to be entitled An act relating to building designations; designating the new alumni center at Florida Atlantic University as the Marleen and Harold Forkas Alumni Center; designating the Florida Agricultural and Mechanical University-Florida State University College of Engineering Building as the Herbert F. Morgan Building; designating the art museum at the University Park Campus of Florida International University as the Patricia and Phillip Frost Art Museum; directing the erection of suitable markers; providing an effective date.

—was read the second time by title.

Representative(s) Jennings offered the following:

(Amendment Bar Code: 156127)

Amendment 1 (with title amendment)—Between lines 45 and 46 insert:
Section 4. Barbara Finlayson Dining Room designated; District School Board of Alachua County to erect suitable markers.--

(1) The dining room in the Hungry Ram Restaurant in the Gainesville Eastside High School Commercial Foods Program in the City of Gainesville is designated as the "Barbara Finlayson Dining Room."

(2) The District School Board of Alachua County is directed to erect suitable markers designating the Barbara Finlayson Dining Room as described in subsection (1).

===== T I T L E A M E N D M E N T =====

Between lines 13 and 14, insert:
designating the dining room in the Hungry Ram Restaurant as the Barbara Finlayson Dining Room;

Rep. Richardson moved the adoption of the amendment, which was adopted.

Representative(s) Richardson offered the following:

(Amendment Bar Code: 860447)

Amendment 2 (with title amendment)—Between lines 45 and 46 insert:
Section 4. William DeWitt Rogers Administration Building designated; Department of Management Services to erect suitable markers.--

(1) The Florida State Hospital Administration Building at 100 West Main Street in the City of Chattahoochee is designated as the "William DeWitt Rogers Administration Building."

(2) The Department of Management Services is directed to erect suitable markers designating the William DeWitt Rogers Administration Building as described in subsection (1).

===== T I T L E A M E N D M E N T =====

Remove line 14 and insert:
designating the Florida State Hospital Administration Building as the William DeWitt Rogers Administration Building; directing the erection of suitable markers; providing an

Rep. Richardson moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 775—A bill to be entitled An act relating to psychologist specialties; creating s. 490.0149, F.S.; specifying the circumstances under which a psychologist may hold himself or herself out as a board-certified specialist or diplomate or offer specific types of services; providing an effective date.

The Health & Families Council recommended the following:

HB 775 CS—A bill to be entitled An act relating to psychology specialties; creating s. 490.0149, F.S.; providing a definition; specifying the circumstances under which a psychologist may hold himself or herself out as a certified psychology specialist, board-certified psychology specialist, or psychology diplomate; requiring the Board of Psychology to adopt rules to establish specified criteria for approval of certifying bodies; specifying that a person licensed under ch. 490, F.S., may specify the types of services he or she provides; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 591—A bill to be entitled An act relating to electronic monitoring; amending s. 648.387, F.S.; authorizing bail bond agents to be vendors of electronic monitoring services; authorizing bail bond agents to contract with third-party vendors to provide electronic monitoring of pretrial releasees in certain circumstances; authorizing bail bond agents to register with a governmental entity to provide electronic monitoring services in certain circumstances; authorizing such agents to collect a fee for electronic monitoring services; providing that failure to timely pay fees constitutes grounds to remand; providing that such fees are exempt from specified premium requirements; creating s. 903.135, F.S.; authorizing issuance of a probation appearance bond for certain offenders; authorizing electronic monitoring of a person subject to a probation appearance bond; providing procedures for revocation of the bond; providing application; creating s. 907.06, F.S.; providing for electronic monitoring of persons on pretrial release; requiring the monitored person to pay fees; providing that provision of electronic monitoring equipment and services is not an undertaking to protect members of the public from harm occasioned by a monitored person; prohibiting a person being monitored from tampering with monitoring equipment; creating s. 907.07, F.S.; requiring the chief judge of each circuit to maintain a list of eligible private vendors for provision of electronic monitoring services; requiring registration of such vendors and certification

of electronic monitoring devices; providing grounds for removal from the list; creating s. 907.08, F.S.; providing standards for privately owned electronic monitoring devices; creating s. 907.09, F.S.; providing criminal penalties for tampering with electronic monitoring devices; providing criminal penalties for cloning the signal of an electronic monitoring device; providing criminal penalties for the alteration or destruction of data stored or transmitted by an electronic monitoring device with specified intent; amending s. 948.039, F.S.; allowing a court to require a probation appearance bond as a condition of probation or community control for certain offenses; authorizing the bond to include the condition of electronic monitoring and requiring the offender to pay the reasonable cost of such monitoring; amending s. 948.11, F.S.; allowing private vendors to provide electronic monitoring of offenders subject to community control or probation for violent felonies and sex-related offenses; requiring the offender to pay the cost of such monitoring to the vendor; requiring the vendor to report noncompliance; providing that noncompliance is a violation of probation or community control; creating ss. 944.161 and 985.4047, F.S.; providing for electronic monitoring of inmates within correctional facilities and juvenile offenders within juvenile facilities, respectively; requiring such monitoring of certain employees and visitors to such facilities; providing system requirements; prohibiting specified actions relating to such monitoring systems and data from such systems; providing penalties; providing rulemaking authority; providing an effective date.

The Justice Council recommended the following:

HB 591 CS—A bill to be entitled An act relating to criminal justice; amending s. 648.387, F.S.; authorizing bail bond agents to provide electronic monitoring equipment and services; authorizing bail bond agents to contract with third-party vendors to provide electronic monitoring services; authorizing bail bond agents to register with a governmental entity to provide electronic monitoring equipment and services in certain circumstances; authorizing such agents to collect a fee for electronic monitoring equipment and services; providing that failure to timely pay fees constitutes grounds to remand; providing that such fees are exempt from specified premium requirements; amending s. 775.21, F.S.; redefining the terms "permanent residence" and "temporary residence" in order to reduce the number of consecutive days and days in the aggregate that constitute the residence of a sexual predator for purposes of requirements that the predator register with the Department of Law Enforcement, the sheriff's office, or the Department of Corrections; revising provisions relating to reimbursement of specified costs by sexual predators; revising provisions relating to the residence of sexual predators; providing penalties; creating s. 775.215, F.S.; specifying residency exclusions for sexual offenders or sexual predators; preempting and repealing certain local ordinances; amending s. 775.24, F.S.; revising provisions relating to residency exclusions for sexual predators and sexual offenders; amending s. 794.065, F.S.; providing additional residency restrictions on certain offenders; providing penalties; creating s. 907.06, F.S.; providing for electronic monitoring of certain defendants on pretrial release; requiring the monitored defendant to pay fees; providing that provision of electronic monitoring equipment and services is not an undertaking to protect members of the public from harm occasioned by a monitored defendant; prohibiting a defendant being monitored from tampering with monitoring equipment; creating s. 907.07, F.S.; requiring the chief judge of each circuit to maintain a list of licensed bail bond agents who are eligible private vendors for provision of electronic monitoring equipment and services; requiring registration of such vendors and certification of electronic monitoring devices; providing grounds for removal from the list; creating s. 907.08, F.S.; providing standards for privately owned electronic monitoring systems; creating s. 907.09, F.S.; providing criminal penalties for tampering with electronic monitoring devices; providing criminal penalties for cloning or jamming the signal of an electronic monitoring device; providing criminal penalties for the alteration or destruction of data stored or transmitted by an electronic monitoring device with specified intent; creating s. 944.161, F.S.; providing for electronic monitoring of inmates within correctional facilities; requiring monitoring of certain employees and visitors to such facilities; providing system requirements; prohibiting specified actions relating to such monitoring systems and data from such systems; providing penalties; providing

rulemaking authority; amending s. 947.1405, F.S.; providing additional conditional release restrictions for certain offenders; amending s. 947.141, F.S.; revising provisions relating to hearings alleging a violation of community release by specified releasees for failure to comply with specified residency exclusions; amending s. 948.06, F.S.; revising provisions relating to probation or community control for sexual predators and sexual offenders; amending s. 948.063, F.S.; revising provisions relating to violations of probation or community control by designated sexual offenders and sexual predators; amending s. 948.30, F.S.; revising provisions relating to terms and conditions of probation or community control for certain sex offenses; creating s. 985.4047, F.S.; providing for electronic monitoring of juvenile offenders within juvenile facilities; requiring monitoring of certain employees and visitors to such facilities; providing system requirements; prohibiting specified actions relating to such monitoring systems and data from such systems; providing penalties; providing rulemaking authority; providing effective dates.

—was read the second time by title.

On motion by Rep. Ambler, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative Ambler offered the following:

(Amendment Bar Code: 176821)

Amendment 1—Between lines 554 and 555, insert:

(d) The provisions of this section do not apply to contracts executed pursuant to chapter 957 before July 1, 2006, between the Department of Management Services and the private prison provider.

Rep. Ambler moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Ryan, consideration of **HB 493** was temporarily postponed.

HB 217—A bill to be entitled An act relating to sinkhole insurance; providing a short title; amending s. 627.707, F.S.; authorizing insurers to make direct payment for certain repairs; excluding insurers from liability for repairs under certain circumstances; revising the requirements for reimbursement of the insurer with respect to certain claims; amending s. 627.7072, F.S.; revising testing standards for sinkholes; requiring a report upon conclusion of testing; requiring retention of certain information for a specified period; authorizing the Department of Environmental Protection to adopt rules for the implementation of sinkhole testing and reporting; amending s. 627.7073, F.S.; revising a presumption relating to the findings, opinions, and recommendations in sinkhole reports; creating s. 627.7074, F.S.; providing for an alternative procedure for the resolution of disputed sinkhole insurance claims, which is optional, nonbinding, and informal; providing definitions; requiring the Department of Financial Services to certify and maintain a list of neutral evaluators, prepare a consumer information pamphlet explaining the alternative procedure, and adopt rules for the implementation of an alternative procedure; requiring insurers to provide the consumer information pamphlets to policyholders upon receipt of a sinkhole report or denial of a claim; providing for payment of costs and attorney's fees; preserving access to courts and authorizing judicial review of neutral evaluation recommendations; providing an effective date.

The Commerce Council recommended the following:

HB 217 CS—A bill to be entitled An act relating to sinkhole insurance; amending s. 627.706, F.S.; allowing a deductible amount applicable to sinkhole losses in a policy for residential property insurance; defining the term "professional engineer"; amending s. 627.707, F.S.; revising references to certain engineers; authorizing insurers to make direct payment for certain repairs; excluding insurers from liability for repairs under certain

circumstances; amending s. 627.7072, F.S.; revising references to certain engineers; eliminating the requirement for certain testing compliance; amending s. 627.7073, F.S.; revising requirements for sinkhole reports by professional engineers and professional geologists; providing for the recording of sinkhole reports by the clerk of court rather than the property appraiser; creating s. 627.7074, F.S.; prescribing an alternative method for resolving disputed sinkhole insurance claims; providing definitions; prescribing procedures for invoking the alternative method; providing that a recommendation by a neutral evaluator is not binding on any party; providing for payments of costs; requiring the insurer to pay attorney's fees of the policyholder up to a specified amount under certain conditions; providing that an insurer is not liable for attorney's fees or for certain damages under certain conditions; providing for judicial review; amending s. 877.02, F.S.; prohibiting certain solicitations by contractors and other persons providing sinkhole remediation services; providing penalties; providing effective dates.

—was read the second time by title.

On motion by Rep. Legg, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative Legg offered the following:

(Amendment Bar Code: 818067)

Amendment 1 (with title amendment)—Remove lines 297-306

===== T I T L E A M E N D M E N T =====

Remove line 29 and insert:
certain conditions;

Rep. Legg moved the adoption of the amendment, which was adopted.

On motion by Rep. Legg, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative Legg offered the following:

(Amendment Bar Code: 284399)

Amendment 2 (with title amendment)—Between lines 323 and 324, insert:

Section 7. (1) By February 1, 2007, the Office of Insurance Regulation shall calculate a presumed factor to reflect the impact of the changes made in this act to rates filed by residential property insurers providing sinkhole loss coverage. The office shall issue a notice informing all insurers writing residential property insurance coverage of the presumed factor.

(2) In determining the presumed factor, the office shall use generally accepted actuarial techniques and standards in determining the expected impact on losses, expenses, and investment income of the insurer.

(3) The office may contract with an appropriate vendor to determine the presumed factor.

(4) Each residential property insurer shall, at its next annual rate filing after May 1, 2007, reflect an overall rate reduction at least as great as the presumed factor determined under subsection (1).

(5) The sum of \$250,000 in nonrecurring funds is appropriated from the Insurance Regulatory Trust Fund in the Department of Financial Services to the Office of Insurance Regulation for the 2006-2007 fiscal year for the purposes of funding the provisions of this section.

Section 8. The sums of \$115,322 in recurring funds and \$10,486 in nonrecurring funds are appropriated from the Insurance Regulatory Trust Fund in the Department of Financial Services for the 2006-2007 fiscal year for the purposes of funding the provisions of this act, and two full-time equivalent positions with 59,435 in associated salary rate are authorized.

===== T I T L E A M E N D M E N T =====

Remove line 33 and insert:

requiring the Office of Insurance Regulation to calculate a certain presumed factor on residential property insurance rates; providing requirements and procedures for determining such calculation; requiring the office to provide notice of such rate factor to insurers; requiring insurers to include such rate factor in certain rate filings; providing appropriations and authorizing additional positions and salary rates; providing effective dates.

Rep. Legg moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 457—A bill to be entitled An act relating to guardianship; amending s. 744.102, F.S.; defining the terms "audit" and "surrogate guardian"; amending s. 744.1083, F.S.; providing that the Statewide Public Guardianship Office need not review credit and criminal investigations from a college or university before registering the institution as a professional guardian; amending s. 744.301, F.S.; providing that in the event of death, the surviving parent is the sole natural guardian of a minor; prohibiting a natural guardian from using the property of the ward for the guardian's benefit without a court order; creating s. 744.3025, F.S.; authorizing a court to appoint a guardian ad litem to represent a minor's interest in certain claims that exceed a specified amount; requiring a court to appoint a guardian ad litem to represent a minor's interest in certain claims that exceed a specified amount; providing that a court need not appoint a guardian ad litem under certain circumstances; requiring a court to award reasonable fees and costs to the guardian ad litem; amending s. 744.3031, F.S.; increasing the time an emergency temporary guardian may serve; increasing the time of an extension; requiring an emergency temporary guardian to file a final report; providing for the contents of the final report; amending s. 744.304, F.S.; specifying the persons who may file a petition for a standby guardian; requiring that notice of the appointment hearing be served on the ward's next of kin; clarifying when a standby guardian may assume the duties of guardian; requiring that each standby guardian submit to credit and criminal background checks; amending s. 744.3115, F.S.; defining the term "health care decision"; amending s. 744.3135, F.S.; providing procedures for completing a guardian's criminal background investigation; authorizing a guardian to use inkless electronic fingerprinting equipment that is available for background investigations of public employees; providing that a guardian need not be rescreened if he or she uses certain inkless electronic fingerprinting equipment; providing for fees; requiring the Statewide Public Guardianship Office to adopt a rule for credit investigations of guardians; amending s. 744.3145, F.S.; reducing the time in which a guardian must complete the education courses; amending s. 744.3215, F.S.; providing that an incapacitated person retains the right to receive services and rehabilitation necessary to maximize the quality of the person's life; revising provisions relating to rights that may be removed from a person determined incapacitated; amending s. 744.331, F.S.; requiring that the court appoint an attorney for an alleged incapacitated person from a specified registry; requiring attorneys to complete certain training programs; providing that a member of the examining committee may not be related to or associated with certain persons; prohibiting a person who served on an examining committee from being appointed as the guardian; requiring each member of an examining committee to file an affidavit stating that he or she has completed or will timely complete the mandatory training; providing for training programs; requiring each member to report the time and date that he or she examined the person alleged to be incapacitated, the names of all persons present during the examination, and the response and name of each person supplying an answer posed to the examinee; providing for an award of attorney's fees; amending s. 744.341, F.S.; requiring the voluntary guardian to include certain information in the annual report; requiring that certain specified information be included in the notice to terminate a voluntary guardianship; amending s. 744.361, F.S.; requiring a professional guardian to ensure that each of his or her wards is personally visited at least quarterly; providing for the assessment of certain conditions during the personal visit; providing an exemption; amending s. 744.365, F.S.; requiring that the verified inventory include information on any trust to which a ward is a beneficiary; amending s. 744.367, F.S.; requiring that the annual report of the guardian filing on a calendar-year basis be filed on or before a specified date; exempting all minor

wards from service of the annual report; amending s. 744.3675, F.S.; requiring that the annual guardianship plan include information on the mental condition of the ward; providing for an annual guardianship plan for wards who are minors; amending s. 744.3678, F.S.; providing that property of the ward which is not under the control of the guardian, including certain trusts, is not subject to annual accounting; requiring certain documentation for the annual accounting; amending s. 744.3679, F.S.; removing a provision prohibiting the clerk of the court from having responsibility for monitoring or auditing accounts in certain cases; amending s. 744.368, F.S.; requiring that the verified inventory and the accountings be audited within a specified time period; amending s. 744.441, F.S.; requiring the court to retain oversight for assets of a ward transferred to a trust; creating s. 744.442, F.S.; providing that a guardian may designate a surrogate guardian to exercise the powers of the guardian if the guardian is unavailable to act; requiring the surrogate guardian to be a professional guardian; providing the procedures to be used in appointing a surrogate guardian; providing the duties of a surrogate guardian; requiring the guardian to be liable for the acts of the surrogate guardian; authorizing the guardian to terminate the services of the surrogate guardian by filing a written notice of the termination with the court; amending s. 744.464, F.S.; removing the state attorney from the list of persons to be served a notice of a hearing on restoration of capacity; removing a time limitation on the filing of a suggestion of capacity; amending s. 744.474, F.S.; revising provisions relating to removal of a guardian who is not a family member; revising provisions relating to removal of a guardian upon a showing that removal of the current guardian is in the best interest of the ward; amending s. 744.511, F.S.; providing that a ward who is a minor need not be served with the final report of a removed guardian; amending s. 744.527, F.S.; providing that final reports for a deceased ward be filed at a specified time; amending s. 744.528, F.S.; providing for a notice of the hearing for objections to a report filed by a guardian; amending s. 744.708, F.S.; requiring a public guardian to ensure that each of his or her wards is personally visited at least quarterly; providing for the assessment of certain conditions during the personal visit; amending s. 765.101, F.S.; redefining the term "health care decision" to include informed consent for mental health treatment services; amending s. 28.345, F.S.; revising provisions relating to exemptions from paying court-related fees and charges; amending ss. 121.091, 121.4501, 709.08, and 744.1085, F.S.; conforming cross-references; reenacting s. 117.107(4), F.S., relating to prohibited acts of a notary public, to incorporate the amendment made to s. 744.3215, F.S., in a reference thereto; amending s. 318.18, F.S.; authorizing a county to impose a surcharge on certain civil penalties to fund local participation in the public guardianship program; prescribing prerequisites for imposing the surcharge; providing a limit on the surcharge; creating s. 938.065, F.S.; requiring that a specified surcharge be assessed against all misdemeanor offenses; providing that the clerk of the court may retain a service charge; directing that the funds collected be used to fund public guardianship programs; providing an effective date.

The Civil Justice Committee recommended the following:

HB 457 CS—A bill to be entitled An act relating to guardianship; amending s. 744.102, F.S.; defining the terms "audit" and "surrogate guardian"; amending s. 744.1083, F.S.; revising provisions relating to identification information provided by professional guardians for registration; providing that the Statewide Public Guardianship Office need not review credit and criminal investigations from a state college or university before registering the institution as a professional guardian; amending s. 744.301, F.S.; providing that in the event of death, the surviving parent is the sole natural guardian of a minor; prohibiting a natural guardian from using the property of the ward for the guardian's benefit without a court order; creating s. 744.3025, F.S.; authorizing a court to appoint a guardian ad litem to represent a minor's interest in certain claims that exceed a specified amount; requiring a court to appoint a guardian ad litem to represent a minor's interest in certain claims that exceed a specified amount; providing that a court need not appoint a guardian ad litem under certain circumstances; requiring a court to award reasonable fees and costs to the guardian ad litem; amending s. 744.3031, F.S.; increasing the time an emergency temporary guardian may

serve; increasing the time of an extension; requiring an emergency temporary guardian to file a final report; providing for the contents of the final report; amending s. 744.304, F.S.; specifying the persons who may file a petition for a standby guardian; requiring that notice of the appointment hearing be served on the ward's next of kin; clarifying when a standby guardian may assume the duties of guardian; requiring that each standby guardian submit to credit and criminal background checks; amending s. 744.3115, F.S.; defining the term "health care decision"; amending s. 744.3135, F.S.; providing procedures for completing a guardian's criminal background investigation; authorizing a guardian to use inkless electronic fingerprinting equipment that is available for background investigations of public employees; providing that a guardian need not be rescreened if he or she uses certain inkless electronic fingerprinting equipment; providing for fees; requiring the Statewide Public Guardianship Office to adopt a rule for credit investigations of guardians; amending s. 744.3145, F.S.; reducing the time in which a guardian must complete the education courses; amending s. 744.3215, F.S.; providing that an incapacitated person retains the right to receive services and rehabilitation necessary to maximize the quality of the person's life; revising provisions relating to rights that may be removed from a person determined incapacitated; amending s. 744.331, F.S.; requiring that the court appoint an attorney for an alleged incapacitated person from a specified registry; requiring attorneys to complete certain training programs; providing that a member of the examining committee may not be related to or associated with certain persons; prohibiting a person who served on an examining committee from being appointed as the guardian; requiring each member of an examining committee to file an affidavit stating that he or she has completed or will timely complete the mandatory training; providing for training programs; requiring each member to report the time and date that he or she examined the person alleged to be incapacitated, the names of all persons present during the examination, and the response and name of each person supplying an answer posed to the examinee; providing for an award of attorney's fees; amending s. 744.341, F.S.; requiring the voluntary guardian to include certain information in the annual report; amending s. 744.361, F.S.; requiring a professional guardian to ensure that each of his or her wards is personally visited at least quarterly; providing for the assessment of certain conditions during the personal visit; providing an exemption; amending s. 744.365, F.S.; requiring that the verified inventory include information on any trust to which a ward is a beneficiary; amending s. 744.367, F.S.; requiring that the annual report of the guardian filing on a calendar-year basis be filed on or before a specified date; exempting all minor wards from service of the annual report; amending s. 744.3675, F.S.; requiring that the annual guardianship plan include information on the mental condition of the ward; providing for an annual guardianship plan for wards who are minors; amending s. 744.3678, F.S.; providing that property of the ward which is not under the control of the guardian, including certain trusts, is not subject to annual accounting; requiring certain documentation for the annual accounting; amending s. 744.3679, F.S.; removing a provision prohibiting the clerk of the court from having responsibility for monitoring or auditing accounts in certain cases; amending s. 744.368, F.S.; requiring that the verified inventory and the accountings be audited within a specified time period; amending s. 744.441, F.S.; requiring the court to retain oversight for assets of a ward transferred to a trust; creating s. 744.442, F.S.; providing that a guardian may designate a surrogate guardian to exercise the powers of the guardian if the guardian is unavailable to act; requiring the surrogate guardian to be a professional guardian; providing the procedures to be used in appointing a surrogate guardian; providing the duties of a surrogate guardian; requiring the guardian to be liable for the acts of the surrogate guardian; authorizing the guardian to terminate the services of the surrogate guardian by filing a written notice of the termination with the court; amending s. 744.464, F.S.; removing the state attorney from the list of persons to be served a notice of a hearing on restoration of capacity; removing a time limitation on the filing of a suggestion of capacity; amending s. 744.474, F.S.; revising provisions relating to removal of a guardian who is not a family member; revising provisions relating to removal of a guardian upon a showing that removal of the current guardian is in the best interest of the ward; amending s. 744.511, F.S.; providing that a ward who is a minor need not be served with the final report of a removed guardian; amending s. 744.527, F.S.; providing that final

reports for a deceased ward be filed at a specified time; amending s. 744.528, F.S.; providing for a notice of the hearing for objections to a report filed by a guardian; amending s. 744.708, F.S.; revising provisions relating to audits and investigations of each office of public guardian; requiring a public guardian to ensure that each of his or her wards is personally visited at least quarterly; providing for the assessment of certain conditions during the personal visit; providing for additional distribution of a specified annual report; deleting a definition; amending s. 765.101, F.S.; redefining the term "health care decision" to include informed consent for mental health treatment services; amending s. 28.345, F.S.; revising provisions relating to exemptions from paying court-related fees and charges; amending ss. 121.091, 121.4501, 709.08, and 744.1085, F.S.; conforming cross-references; reenacting s. 117.107(4), F.S., relating to prohibited acts of a notary public, to incorporate the amendment made to s. 744.3215, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

On motion by Rep. Sands, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative Sands offered the following:

(Amendment Bar Code: 247703)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 744.102, Florida Statutes, is amended to read:

744.102 Definitions.--As used in this chapter, the term:

(1) "Attorney for the alleged incapacitated person" means an attorney who represents the alleged incapacitated person. ~~The such attorney shall represent the expressed wishes of the alleged incapacitated person to the extent it is consistent with the rules regulating The Florida Bar.~~

(2) "Audit" means a systematic review of financial and all other documents to ensure compliance with s. 744.368, rules of court, and local procedures using generally accepted auditing and accounting procedures.

~~(3)(2)~~ "Clerk" means the clerk or deputy clerk of the court.

~~(4)(3)~~ "Corporate guardian" means a corporation authorized to exercise fiduciary or guardianship powers in this state and includes a nonprofit corporate guardian.

~~(5)(4)~~ "Court" means the circuit court.

~~(6)(5)~~ "Court monitor" means a person appointed by the court under ~~pursuant to~~ s. 744.107 to provide the court with information concerning a ward.

~~(7)(6)~~ "Estate" means the property of a ward subject to administration.

~~(8)(7)~~ "Foreign guardian" means a guardian appointed in another state or country.

~~(9)(8)~~ "Guardian" means a person who has been appointed by the court to act on behalf of a ward's person or property, or both.

(a) "Limited guardian" means a guardian who has been appointed by the court to exercise the legal rights and powers specifically designated by court order entered after the court has found that the ward lacks the capacity to do some, but not all, of the tasks necessary to care for his or her person or property, or after the person has voluntarily petitioned for appointment of a limited guardian.

(b) "Plenary guardian" means a person who has been appointed by the court to exercise all delegable legal rights and powers of the ward after the court has found that the ward lacks the capacity to perform all of the tasks necessary to care for his or her person or property.

~~(10)(9)~~ "Guardian ad litem" means a person who is appointed by the court having jurisdiction of the guardianship or a court in which a particular legal matter is pending to represent a ward in that proceeding.

~~(11)(10)~~ "Guardian advocate" means a person appointed by a written order of the court to represent a person with developmental disabilities under s. 393.12. As used in this chapter, the term does not apply to a guardian advocate appointed for a person determined incompetent to consent to treatment under s. 394.4598.

~~(12)(11)~~ "Incapacitated person" means a person who has been judicially determined to lack the capacity to manage at least some of the property or to meet at least some of the essential health and safety requirements of ~~the such~~ person.

(a) To "manage property" means to take those actions necessary to obtain, administer, and dispose of real and personal property, intangible property, business property, benefits, and income.

(b) To "meet essential requirements for health or safety" means to take those actions necessary to provide the health care, food, shelter, clothing, personal hygiene, or other care without which serious and imminent physical injury or illness is more likely than not to occur.

~~(13)(12)~~ "Minor" means a person under 18 years of age whose disabilities have not been removed by marriage or otherwise.

~~(14)(13)~~ "Next of kin" means those persons who would be heirs at law of the ward or alleged incapacitated person if ~~the such~~ person were deceased and includes the lineal descendants of ~~the such~~ ward or alleged incapacitated person.

~~(15)(14)~~ "Nonprofit corporate guardian" means a nonprofit corporation organized for religious or charitable purposes and existing under the laws of this state.

~~(16)(15)~~ "Preneed guardian" means a person named in a written declaration to serve as guardian in the event of the incapacity of the declarant as provided in s. 744.3045.

~~(17)(16)~~ "Professional guardian" means any guardian who ~~receives or~~ has at any time ~~received compensation for services~~ rendered services to three or more than two wards as their guardian. A person serving as a guardian for two or more relatives as defined in s. 744.309(2) is not considered a professional guardian. A public guardian shall be considered a professional guardian for purposes of regulation, education, and registration.

~~(18)(17)~~ "Property" means both real and personal property or any interest in it and anything that may be the subject of ownership.

~~(19)(18)~~ "Standby guardian" means a person empowered to assume the duties of guardianship upon the death or adjudication of incapacity of the last surviving natural or appointed guardian.

~~(20)~~ "Surrogate guardian" means a guardian designated according to s. 744.442.

~~(21)(19)~~ "Totally incapacitated" means incapable of exercising any of the rights enumerated in s. 744.3215(2) and (3).

~~(22)(20)~~ "Ward" means a person for whom a guardian has been appointed.

Section 2. Subsections (3), (7), and (10) of section 744.1083, Florida Statutes, are amended to read:

744.1083 Professional guardian registration.--

(3) Registration must include the following:

(a) Sufficient information to identify the professional guardian, as follows:

1. If the professional guardian is a natural person, the name, address, date of birth, and employer identification or social security number of the person professional guardian.

2. ~~(b)~~ If the professional guardian is a partnership or association, the name, address, and date of birth of every member, and the employer identification number of the entity partnership or association.

~~(c)~~ If the professional guardian is a corporation, the name, address, and employer identification number of the corporation; the name, address, and date of birth of each of its directors and officers; the name of its resident agent; and the name, address, and date of birth of each person having at least a 10 percent interest in the corporation.

~~(d)~~ The name, address, date of birth, and employer identification number, if applicable, of each person providing guardian-delegated financial or personal guardianship services for wards.

~~(b)(e)~~ Documentation that the bonding and educational requirements of s. 744.1085 have been met.

~~(c)(f)~~ Sufficient information to distinguish a guardian providing guardianship services as a public guardian, individually, through partnership, corporation, or any other business organization.

(7) A trust company, a state banking corporation or state savings association authorized and qualified to exercise fiduciary powers in this state, or a national banking association or federal savings and loan association authorized and qualified to exercise fiduciary powers in this state, may, but is

not required to, register as a professional guardian under this section. If a trust company, state banking corporation, state savings association, national banking association, or federal savings and loan association described in this subsection elects to register as a professional guardian under this subsection, the requirements of subsections (3) and (4) do not apply and the registration must include only the name, address, and employer identification number of the registrant, the name and address of its registered agent, if any, and the documentation described in paragraph (3)(b)(e).

(10) A state college or university or an independent college or university described in s. 1009.98(3)(a), may, but is not required to, register as a professional guardian under this section. If a state college or university or independent college or university elects to register as a professional guardian under this subsection, the requirements of subsections (3) and (4) ~~subsection~~ (3) do not apply and the registration must include only the name, address, and employer identification number of the registrant.

Section 3. Section 744.301, Florida Statutes, is amended to read:

744.301 Natural guardians.--

(1) The mother and father jointly are natural guardians of their own children and of their adopted children, during minority. If one parent dies, ~~the surviving parent remains the sole natural guardian even if he or she the natural guardianship shall pass to the surviving parent, and the right shall continue even though the surviving parent remarries.~~ If the marriage between the parents is dissolved, the natural guardianship belongs shall belong to the parent to whom the custody of the child is awarded. If the parents are given joint custody, then both ~~shall~~ continue as natural guardians. If the marriage is dissolved and neither the father nor the mother is given custody of the child, neither shall act as natural guardian of the child. The mother of a child born out of wedlock is the natural guardian of the child and is entitled to primary residential care and custody of the child unless a court of competent jurisdiction enters an order stating otherwise.

(2) ~~The Natural guardian or~~ guardians are authorized, on behalf of any of their minor children, to:

(a) Settle and consummate a settlement of any claim or cause of action accruing to any of their minor children for damages to the person or property of any of said minor children;

(b) Collect, receive, manage, and dispose of the proceeds of any such settlement;

(c) Collect, receive, manage, and dispose of any real or personal property distributed from an estate or trust;

(d) Collect, receive, manage, and dispose of and make elections regarding the proceeds from a life insurance policy or annuity contract payable to, or otherwise accruing to the benefit of, the child; and

(e) Collect, receive, manage, dispose of, and make elections regarding the proceeds of any benefit plan as defined by s. 710.102, of which the minor is a beneficiary, participant, or owner,

without appointment, authority, or bond, when the amounts received, in the aggregate, do amount involved in any instance does not exceed \$15,000.

(3) All instruments executed by a natural guardian for the benefit of the ward under the powers specified provided for in subsection (2) shall be binding on the ward. The natural guardian may not, without a court order, use the property of the ward for the guardian's benefit or to satisfy the guardian's support obligation to the ward.

~~(4)(a) In any case where a minor has a claim for personal injury, property damage, or wrongful death in which the gross settlement for the claim of the minor exceeds \$15,000, the court may, prior to the approval of the settlement of the minor's claim, appoint a guardian ad litem to represent the minor's interests. In any case in which the gross settlement involving a minor equals or exceeds \$25,000, the court shall, prior to the approval of the settlement of the minor's claim, appoint a guardian ad litem to represent the minor's interests. The appointment of the guardian ad litem must be without the necessity of bond or a notice. The duty of the guardian ad litem is to protect the minor's interests. The procedure for carrying out that duty is as prescribed in the Florida Probate Rules. If a legal guardian of the minor has previously been appointed and has no potential adverse interest to the minor, the court may not appoint a guardian ad litem to represent the minor's interests, unless the court determines that the appointment is otherwise necessary.~~

~~(b) Unless waived, the court shall award reasonable fees and costs to the guardian ad litem to be paid out of the gross proceeds of the settlement.~~

Section 4. Section 744.3025, Florida Statutes, is created to read:

744.3025 Claims of minors.--

(1)(a) The court may appoint a guardian ad litem to represent the minor's interest before approving a settlement of the minor's portion of the claim in any case in which a minor has a claim for personal injury, property damage, wrongful death, or other cause of action in which the gross settlement of the claim exceeds \$15,000.

(b) The court shall appoint a guardian ad litem to represent the minor's interest before approving a settlement of the minor's claim in any case in which the gross settlement involving a minor equals or exceeds \$50,000.

(c) The appointment of the guardian ad litem must be without the necessity of bond or notice.

(d) The duty of the guardian ad litem is to protect the minor's interests as described in the Florida Probate Rules.

(e) A court need not appoint a guardian ad litem for the minor if a guardian of the minor has previously been appointed and that guardian has no potential adverse interest to the minor. A court may appoint a guardian ad litem if the court believes a guardian ad litem is necessary to protect the interests of the minor.

(2) Unless waived, the court shall award reasonable fees and costs to the guardian ad litem to be paid out of the gross proceeds of the settlement.

Section 5. Subsection (3) of section 744.3031, Florida Statutes, is amended, and subsection (8) is added to that section, to read:

744.3031 Emergency temporary guardianship.--

(3) The authority of an emergency temporary guardian expires 90 ~~60~~ days after the date of appointment or when a guardian is appointed, whichever occurs first. The authority of the emergency temporary guardian may be extended for an additional 90 ~~30~~ days upon a showing that the emergency conditions still exist.

(8)(a) An emergency temporary guardian shall file a final report no later than 30 days after the expiration of the emergency temporary guardianship.

(b) If an emergency temporary guardian is a guardian for the property, the final report must consist of a verified inventory of the property, as provided in s. 744.365, as of the date the letters of emergency temporary guardianship were issued, a final accounting that gives a full and correct account of the receipts and disbursements of all the property of the ward over which the guardian had control, and a statement of the property of the ward on hand at the end of the emergency temporary guardianship. If the emergency temporary guardian becomes the successor guardian of the property, the final report must satisfy the requirements of the initial guardianship report for the guardian of the property as provided in s. 744.362.

(c) If the emergency temporary guardian is a guardian of the person, the final report must summarize the activities of the temporary guardian with regard to residential placement, medical condition, mental health and rehabilitative services, and the social condition of the ward to the extent of the authority granted to the temporary guardian in the letters of guardianship. If the emergency temporary guardian becomes the successor guardian of the person, the report must satisfy the requirements of the initial report for a guardian of the person as stated in s. 744.362.

(d) A copy of the final report of the emergency temporary guardianship shall be served on the successor guardian and the ward.

Section 6. Section 744.304, Florida Statutes, is amended to read:

744.304 Standby guardianship.--

(1) Upon a petition by the natural guardians or a guardian appointed under s. 744.3021, the court may appoint a standby guardian of the person or property of a minor or consent of both parents, natural or adoptive, if living, or of the surviving parent, a standby guardian of the person or property of a minor may be appointed by the court. The court may also appoint an alternate to the guardian to act if the standby guardian does not serve or ceases to serve after appointment. Notice of a hearing on the petition must be served on the parents, natural or adoptive, and on any guardian currently serving unless the notice is waived in writing by them or waived by the court for good cause shown shall renounce, die, or become incapacitated after the death of the last surviving parent of the minor.

(2) Upon petition of a currently serving guardian, a standby guardian of the person or property of an incapacitated person may be appointed by the court. Notice of the hearing shall be served on the ward's next of kin.

(3) The standby guardian or alternate shall be empowered to assume the duties of ~~guardianship his or her office~~ immediately ~~on the death, removal, or resignation of the guardian of a minor, or on the death or adjudication of incapacity of the last surviving natural guardian or adoptive parent of a minor, or upon the death, removal, or resignation of the guardian for an adult.~~ The, however, such a guardian of the ward's property may not be empowered to deal with the ward's property, other than to safeguard it, before prior to issuance of letters of guardianship. If the ward incapacitated person is over the age of 18 years, the court shall conduct a hearing as provided in s. 744.331 before confirming the appointment of the standby guardian, unless the ward has previously been found to be incapacitated.

(4) Within 20 days after assumption of duties as guardian, a standby guardian shall petition for confirmation of appointment. If the court finds the standby guardian to be qualified to serve as guardian ~~under pursuant to ss. 744.309 and 744.312,~~ appointment of the guardian must be confirmed. Each guardian so confirmed shall file an oath in accordance with s. 744.347, ~~and shall file a bond, and shall submit to a credit and a criminal history record check as set forth in s. 744.3135, if required.~~ Letters of guardianship must then be issued in the manner provided in s. 744.345.

(5) After the assumption of duties by a standby guardian, the court shall have jurisdiction over the guardian and the ward.

Section 7. Section 744.3115, Florida Statutes, is amended to read:

744.3115 Advance directives for health care.--In each proceeding in which a guardian is appointed under this chapter, the court shall determine whether the ward, prior to incapacity, has executed any valid advance directive ~~under pursuant to~~ chapter 765. If any ~~such~~ advance directive exists, the court shall specify in its order and letters of guardianship what authority, if any, the guardian shall exercise over the surrogate. Pursuant to the grounds listed in s. 765.105, the court, upon its own motion, may, with notice to the surrogate and any other appropriate parties, modify or revoke the authority of the surrogate to make health care decisions for the ward. For purposes of this section, the term "health care decision" has the same meaning as in s. 765.101.

Section 8. Section 744.3135, Florida Statutes, is amended to read:

744.3135 Credit and criminal investigation.--

(1) The court may require a nonprofessional guardian and shall require a professional or public guardian, and all employees of a professional guardian who have a fiduciary responsibility to a ward, to submit, at their own expense, to an investigation of the guardian's credit history and to undergo level 2 background screening as required under s. 435.04. If a credit or criminal investigation is required, the court must consider the results of any investigation before appointing a guardian. At any time, the court may require a guardian or the guardian's employees to submit to an investigation of the person's credit history and complete a level 1 background screening as set forth in s. 435.03. The court shall consider the results of any investigation when reappointing a guardian. The clerk of the court shall maintain a file on each guardian appointed by the court and retain in the file documentation of the result of any investigation conducted under this section. A professional guardian must pay the clerk of the court a fee of up to \$7.50 for handling and processing professional guardian files.

(2) The court and the Statewide Public Guardianship Office shall accept the satisfactory completion of a criminal history record check by any method described in this subsection. A guardian satisfies the requirements of this section by undergoing:

(a) An electronic fingerprint criminal history record check. A guardian may use any electronic fingerprinting equipment used for criminal history record checks of public employees. The guardian shall pay the actual costs incurred by the Federal Bureau of Investigation and the Department of Law Enforcement for the criminal history record check. The agency that operates the equipment used by the guardian may charge the guardian an additional fee, not to exceed \$10, for the use of the equipment. The agency completing the record check must immediately send the results of the criminal history record check to the clerk of the court and the Statewide Public Guardianship Office. The clerk of the court shall maintain the results in the guardian's file and shall make the results available to the court; or

(b) A criminal history record check using a fingerprint card. The clerk of the court shall obtain fingerprint cards from the Federal Bureau of Investigation and make them available to guardians. Any guardian who is so required shall have his or her fingerprints taken and forward the proper fingerprint card along with the necessary fee to the Florida Department of Law Enforcement for processing. ~~The professional guardian shall pay to the clerk of the court a fee of up to \$7.50 for handling and processing professional guardian files.~~ The results of the fingerprint card criminal history record checks shall be forwarded to the clerk of the court who shall maintain the results in the guardian's ~~a guardian~~ file and shall make the results available to the court and the Statewide Public Guardianship Office.

(3)(a) A professional guardian, and each employee of a professional guardian who has a fiduciary responsibility to a ward, must complete, at his or her own expense, a level 2 background screening as set forth in s. 435.04 before and at least once every 5 years after the date the guardian is appointed. A professional guardian, and each employee of a professional guardian who has a fiduciary responsibility to a ward, must complete, at his or her own expense, a level 1 background screening as set forth in s. 435.03 at least once every 2 years after the date the guardian is appointed. However, a person is not required to resubmit fingerprints for a criminal history record check if he or she has been screened using electronic fingerprinting equipment that is capable of notifying the clerk of the court of any crime charged against the person in this state or elsewhere, as appropriate.

(b) Effective December 15, 2006, all fingerprints electronically submitted to the Department of Law Enforcement under this section shall be retained by the Department of Law Enforcement in a manner provided by rule and entered in the statewide automated fingerprint identification system authorized by s. 943.05(2)(b). The fingerprints shall thereafter be available for all purposes and uses authorized for arrest fingerprint cards entered in the Criminal Justice Information Program under s. 943.051.

(c) Effective December 15, 2006, the Department of Law Enforcement shall search all arrest fingerprint cards received under s. 943.051 against the fingerprints retained in the statewide automated fingerprint identification system under paragraph (b). Any arrest record that is identified with the fingerprints of a person described in this paragraph must be reported to the clerk of court. The clerk of court must forward any arrest record received for a professional guardian to the Statewide Public Guardianship Office within 5 days. Each guardian who elects to submit fingerprint information electronically shall participate in this search process by paying an annual fee to the Statewide Public Guardianship Office of the Department of Elderly Affairs and by informing the clerk of court and the Statewide Public Guardianship Office of any change in the status of his or her guardianship appointment. The amount of the annual fee to be imposed for performing these searches and the procedures for the retention of guardian fingerprints and the dissemination of search results shall be established by rule of the Department of Law Enforcement. At least once every 5 years, the Statewide Public Guardianship Office must request that the Department of Law Enforcement forward the fingerprints maintained under this section to the Federal Bureau of Investigation.

(4)(a) A professional guardian, and each employee of a professional guardian who has a fiduciary responsibility to a ward, must complete, at his or her own expense, an investigation of his or her credit history before and at least once every 2 years after the date of the guardian's appointment.

(b) The Statewide Public Guardianship Office shall adopt a rule detailing the acceptable methods for completing a credit investigation under this section. If appropriate, the Statewide Public Guardianship Office may administer credit investigations. If the office chooses to administer the credit investigation, the office may adopt a rule setting a fee, not to exceed \$25, to reimburse the costs associated with the administration of a credit investigation.

(5) The Statewide Public Guardianship Office may inspect at any time the results of any credit or criminal investigation of a public or professional guardian conducted under this section. The office shall maintain copies of the credit or criminal results in the guardian's registration file. If the results of a credit or criminal investigation of a public or professional guardian have not been forwarded to the Statewide Public Guardianship Office by the investigating agency, the clerk of the court shall forward copies of the results of the investigations to the office upon receiving them. ~~If credit or criminal~~

~~investigations are required, the court must consider the results of the investigations before appointing a guardian. Professional guardians and all employees of a professional guardian who have a fiduciary responsibility to a ward, so appointed, must resubmit, at their own expense, to an investigation of credit history, and undergo level 1 background screening as required under s. 435.03, at least every 2 years after the date of their appointment. At any time, the court may require guardians or their employees to submit to an investigation of credit history and undergo level 1 background screening as required under s. 435.03. The court must consider the results of these investigations in reappointing a guardian.~~

(1) Upon receiving the results of a credit or criminal investigation of any public or professional guardian, the clerk of the court shall forward copies of the results to the Statewide Public Guardianship Office in order that the results may be maintained in the guardian's registration file.

~~(6)(2)~~ The requirements of this section ~~do~~ ~~does~~ not apply to a professional guardian, or to the employees of a professional guardian, ~~that which~~ is a trust company, a state banking corporation or state savings association authorized and qualified to exercise fiduciary powers in this state, or a national banking association or federal savings and loan association authorized and qualified to exercise fiduciary powers in this state.

Section 9. Subsection (4) of section 744.3145, Florida Statutes, is amended to read:

744.3145 Guardian education requirements.--

(4) Each person appointed by the court to be a guardian must complete the required number of hours of instruction and education within 4 months 1 year after his or her appointment as guardian. The instruction and education must be completed through a course approved by the chief judge of the circuit court and taught by a court-approved organization. Court-approved organizations may include, but are not limited to, community or junior colleges, guardianship organizations, and the local bar association or The Florida Bar.

Section 10. Paragraph (i) of subsection (1) and subsection (2) of section 744.3215, Florida Statutes, are amended to read:

744.3215 Rights of persons determined incapacitated.--

(1) A person who has been determined to be incapacitated retains the right:

(i) To receive ~~necessary~~ services and rehabilitation necessary to maximize the quality of life.

(2) Rights that may be removed from a person by an order determining incapacity but not delegated to a guardian include the right:

(a) To marry. If the right to enter into a contract has been removed, the right to marry is subject to court approval.

(b) To vote.

(c) To personally apply for government benefits.

(d) To have a driver's license.

(e) To travel.

(f) To seek or retain employment.

Section 11. Subsections (2), (3), and (4), paragraph (a) of subsection (5), and subsection (7) of section 744.331, Florida Statutes, are amended to read:

744.331 Procedures to determine incapacity.--

(2) ATTORNEY FOR THE ALLEGED INCAPACITATED PERSON.--

(a) When a court appoints an attorney for an alleged incapacitated person, the court must appoint an attorney who is included in the attorney registry compiled pursuant to ss. 27.40 and 27.42 by the circuit's Article V indigent services committee. Appointments must be made on a rotating basis, taking into consideration conflicts arising under this chapter.

~~(b)(a)~~ The court shall appoint an attorney for each person alleged to be incapacitated in all cases involving a petition for adjudication of incapacity. The alleged incapacitated person may substitute her or his own attorney for the attorney appointed by the court.

~~(c)(b)~~ Any attorney representing an alleged incapacitated person may not serve as guardian of the alleged incapacitated person or as counsel for the guardian of the alleged incapacitated person or the petitioner.

(d) Effective January 1, 2007, an attorney seeking to be appointed by a court for incapacity and guardianship proceedings must have completed a minimum of 8 hours of education in guardianship. A court may waive the initial training requirement for an attorney who has served as a court-appointed attorney in incapacity proceedings or as an attorney of record for guardians for not less than 3 years.

(3) EXAMINING COMMITTEE.--

(a) Within 5 days after a petition for determination of incapacity has been filed, the court shall appoint an examining committee consisting of three members. One member must be a psychiatrist or other physician. The remaining members must be either a psychologist, gerontologist, another psychiatrist, or other physician, a registered nurse, nurse practitioner, licensed social worker, a person with an advanced degree in gerontology from an accredited institution of higher education, or other person who by knowledge, skill, experience, training, or education may, in the court's discretion, advise the court in the form of an expert opinion. One of three members of the committee must have knowledge of the type of incapacity alleged in the petition. Unless good cause is shown, the attending or family physician may not be appointed to the committee. If the attending or family physician is available for consultation, the committee must consult with the physician. Members of the examining committee may not be related to or associated with one another, ~~or~~ with the petitioner, with counsel for the petitioner or the proposed guardian, or with the person alleged to be totally or partially incapacitated. A member may not be employed by any private or governmental agency that has custody of, or furnishes, services or subsidies, directly or indirectly, to the person or the family of the person alleged to be incapacitated or for whom a guardianship is sought. A petitioner may not serve as a member of the examining committee. Members of the examining committee must be able to communicate, either directly or through an interpreter, in the language that the alleged incapacitated person speaks or to communicate in a medium understandable to the alleged incapacitated person if she or he is able to communicate. The clerk of the court shall send notice of the appointment to each person appointed no later than 3 days after the court's appointment.

(b) A person who has been appointed to serve as a member of an examining committee to examine an alleged incapacitated person may not thereafter be appointed as a guardian for the person who was the subject of the examination.

(c) Each person appointed to an examining committee must file an affidavit with the court stating that he or she has completed the required courses or will do so no later than 4 months after his or her initial appointment. Each year, the chief judge of the circuit must prepare a list of persons qualified to be members of an examining committee.

(d) A member of an examining committee must complete a minimum of 4 hours of initial training. The person must complete 2 hours of continuing education during each 2-year period after the initial training. The initial training and continuing education program must be developed under the supervision of the Statewide Public Guardianship Office, in consultation with the Florida Conference of Circuit Court Judges; the Elder Law and the Real Property, Probate and Trust Law sections of The Florida Bar; the Florida State Guardianship Association; and the Florida Guardianship Foundation. The court may waive the initial training requirement for a person who has served for not less than 5 years on examining committees. If a person wishes to obtain his or her continuing education on the Internet or by watching a video course, the person must first obtain the approval of the chief judge before taking an Internet or video course.

~~(e)(b)~~ Each member of the examining committee shall examine the person. Each The examining committee member must shall determine the alleged incapacitated person's ability to exercise those rights specified in s. 744.3215. In addition to the examination, each the examining committee member must shall have access to, and may consider, previous examinations of the person, including, but not limited to, habilitation plans, school records, and psychological and psychosocial reports voluntarily offered for use by the alleged incapacitated person. Each member of the examining committee must shall submit a report within 15 days after appointment.

~~(f)(e)~~ The examination of the alleged incapacitated person must include a comprehensive examination, a report of which shall be filed by each the examining committee member as part of his or her its written report. The comprehensive examination report should be an essential element, but not necessarily the only element, used in making a capacity and guardianship decision. The comprehensive examination must include, if indicated:

1. A physical examination;
2. A mental health examination; and

3. A functional assessment.

If any of these three aspects of the examination is not indicated or cannot be accomplished for any reason, the written report must explain the reasons for its omission.

~~(g)(4)~~ Each committee member's ~~The committee's~~ written report must include:

1. To the extent possible, a diagnosis, prognosis, and recommended course of treatment.

2. An evaluation of the alleged incapacitated person's ability to retain her or his rights, including, without limitation, the rights to marry; vote; contract; manage or dispose of property; have a driver's license; determine her or his residence; consent to medical treatment; and make decisions affecting her or his social environment.

3. The results of the comprehensive examination and the committee ~~members'~~ member's assessment of information provided by the attending or family physician, if any.

4. A description of any matters with respect to which the person lacks the capacity to exercise rights, the extent of that incapacity, and the factual basis for the determination that the person lacks that capacity.

5. The names of all persons present during the time the committee member conducted his or her examination. If a person other than the person who is the subject of the examination supplies answers posed to the alleged incapacitated person, the report must include the response and the name of the person supplying the answer.

~~6.5.~~ The signature of each member of the committee member and the date and time the member conducted his or her examination.

~~(h)(e)~~ A copy of each committee member's ~~the~~ report must be served on the petitioner and on the attorney for the alleged incapacitated person within 3 days after the report is filed and at least 5 days before the hearing on the petition.

(4) DISMISSAL OF PETITION.--If a majority of the examining committee members conclude ~~concludes~~ that the alleged incapacitated person is not incapacitated in any respect, the court shall dismiss the petition.

(5) ADJUDICATORY HEARING.--

(a) Upon appointment of the examining committee, the court shall set the date upon which the petition will be heard. The date for the adjudicatory hearing must be set no more than 14 days after the filing of the ~~reports~~ report of the examining committee ~~members~~, unless good cause is shown. The adjudicatory hearing must be conducted at the time and place specified in the notice of hearing and in a manner consistent with due process.

(7) FEES.--

(a) The examining committee and any attorney appointed under subsection (2) are entitled to reasonable fees to be determined by the court.

(b) The fees awarded under paragraph (a) shall be paid by the guardian from the property of the ward or, if the ward is indigent, by the state. The state shall have a creditor's claim against the guardianship property for any amounts paid under this section. The state may file its claim within 90 days after the entry of an order awarding attorney ad litem fees. If the state does not file its claim within the 90-day period, the state is thereafter barred from asserting the claim. Upon petition by the state for payment of the claim, the court shall enter an order authorizing immediate payment out of the property of the ward. The state shall keep a record of the ~~such~~ payments.

(c) If the petition is dismissed, costs and ~~attorney's~~ fees of the proceeding may be assessed against the petitioner if the court finds the petition to have been filed in bad faith.

Section 12. Subsection (4) of section 744.341, Florida Statutes, is renumbered as subsection (5) and a new subsection (4) is added to that section to read:

744.341 Voluntary guardianship.--

(4) A guardian must include in the annual report filed with the court a certificate from a licensed physician who examined the ward not more than 90 days before the annual report is filed with the court. The certificate must certify that the ward is competent to understand the nature of the guardianship and of the ward's authority to delegate powers to the voluntary guardian.

Section 13. Subsection (9) is added to section 744.361, Florida Statutes, to read:

744.361 Powers and duties of guardian.--

(9) A professional guardian must ensure that each of the guardian's wards is personally visited by the guardian or one of the guardian's professional staff at least once each calendar quarter. During the personal visit, the guardian or the guardian's professional staff person shall assess:

(a) The ward's physical appearance and condition.

(b) The appropriateness of the ward's current living situation.

(c) The need for any additional services and the necessity for continuation of existing services, taking into consideration all aspects of social, psychological, educational, direct service, health, and personal care needs.

This subsection does not apply to a professional guardian who has been appointed only as guardian of the property.

Section 14. Subsection (2) of section 744.365, Florida Statutes, is amended to read:

744.365 Verified inventory.--

(2) CONTENTS.--The verified inventory must include the following:

(a) All property of the ward, real and personal, that has come into the guardian's possession or knowledge, including a statement of all encumbrances, liens, and other secured claims on any item, any claims against the property, ~~and~~ any cause of action accruing to the ward, and any trusts of which the ward is a beneficiary.

(b) The location of the real and personal property in sufficient detail so that it may be clearly identified or located, ~~and~~

(c) A description of all sources of income, including, without limitation, social security benefits and pensions.

Section 15. Subsections (1) and (3) of section 744.367, Florida Statutes, are amended to read:

744.367 Duty to file annual guardianship report.--

(1) Unless the court requires filing on a calendar-year basis, each guardian of the person shall file with the court an annual guardianship plan within 90 days after the last day of the anniversary month the letters of guardianship were signed, and the plan must cover the coming fiscal year, ending on the last day in such anniversary month. If the court requires calendar-year filing, the guardianship plan must be filed on or before April 1 of each year within 90 days after the end of the calendar year.

(3) The annual guardianship report of a guardian of the property must consist of an annual accounting, and the annual report of a guardian of the person ~~of an incapacitated person~~ must consist of an annual guardianship plan. The annual report shall be served on the ward, unless the ward is a minor ~~under the age of 14 years~~ or is totally incapacitated, and on the attorney for the ward, if any. The guardian shall provide a copy to any other person as the court may direct.

Section 16. Section 744.3675, Florida Statutes, is amended to read:

744.3675 Annual guardianship plan.--Each guardian of the person must file with the court an annual guardianship plan which updates information about the condition of the ward. The annual plan must specify the current needs of the ward and how those needs are proposed to be met in the coming year.

(1) Each plan for an adult ward must, if applicable, include:

(a) Information concerning the residence of the ward, including:

1. The ward's address at the time of filing the plan;

2. The name and address of each place where the ward was maintained during the preceding year;

3. The length of stay of the ward at each place;

4. A statement of whether the current residential setting is best suited for the current needs of the ward, ~~and~~

5. Plans for ensuring during the coming year that the ward is in the best residential setting to meet his or her needs.

(b) Information concerning the medical and mental health conditions ~~condition~~ and treatment and rehabilitation needs of the ward, including:

1. A resume of any professional medical treatment given to the ward during the preceding year;

2. The report of a physician who examined the ward no more than 90 days before the beginning of the applicable reporting period. The ~~Such~~ report must contain an evaluation of the ward's condition and a statement of the current level of capacity of the ward, ~~and~~

3. The plan for ~~providing provision of~~ medical, mental health, and rehabilitative services in the coming year.

(c) Information concerning the social condition of the ward, including:

1. The social and personal services currently ~~used~~ utilized by the ward;

2. The social skills of the ward, including a statement of how well the ward communicates and maintains interpersonal relationships, with others;

~~3. A description of the ward's activities at communication and visitation; and~~

~~3.4.~~ The social needs of the ward.

(2) Each plan filed by the legal guardian of a minor must include:

(a) Information concerning the residence of the minor, including:

1. The minor's address at the time of filing the plan.

2. The name and address of each place the minor lived during the preceding year.

(b) Information concerning the medical and mental health conditions and treatment and rehabilitation needs of the minor, including:

1. A resume of any professional medical treatment given to the minor during the preceding year.

2. A report from the physician who examined the minor no more than 180 days before the beginning of the applicable reporting period that contains an evaluation of the minor's physical and mental conditions.

3. The plan for providing medical services in the coming year.

(c) Information concerning the education of the minor, including:

1. A summary of the school progress report.

2. The social development of the minor, including a statement of how well the minor communicates and maintains interpersonal relationships.

3. The social needs of the minor.

~~(3)(2)~~ Each plan for an adult ward must address the issue of restoration of rights to the ward and include:

(a) A summary of activities during the preceding year ~~that which~~ were designed to ~~enhance increase~~ the capacity of the ward;

(b) A statement of whether the ward can have any rights restored; ~~and~~

(c) A statement of whether restoration of any rights will be sought.

~~(4)(3)~~ The court, in its discretion, may require reexamination of the ward by a physician at any time.

Section 17. Subsections (2) and (3) of section 744.3678, Florida Statutes, are amended to read:

744.3678 Annual accounting.--

(2) The annual accounting must include:

(a) A full and correct account of the receipts and disbursements of all of the ward's property over which the guardian has control and a statement of the ward's property on hand at the end of the accounting period. This paragraph does not apply to any property or any trust of which the ward is a beneficiary but which is not under the control or administration of the guardian.

(b) A copy of the annual or year-end statement of all of the ward's cash accounts from each of the institutions where the cash is deposited.

(3) The guardian must obtain a receipt, ~~or~~ canceled check, ~~or other proof of payment~~ for all expenditures and disbursements made on behalf of the ward. The guardian must preserve all evidence of payment ~~the receipts and canceled checks,~~ along with other substantiating papers, for a period of 3 years after his or her discharge. The receipts, proofs of payment ~~checks,~~ and substantiating papers need not be filed with the court but shall be made available for inspection and review at the such time and in such place and before the such persons as the court may ~~from time to time~~ order.

Section 18. Section 744.3679, Florida Statutes, is amended to read:

744.3679 Simplified accounting procedures in certain cases.--

(1) In a guardianship of property, when all assets of the estate are in designated depositories under s. 69.031 and the only transactions that occur in that account are interest accrual, deposits ~~from a pursuant to~~ settlement, or financial institution service charges, the guardian may elect to file an accounting consisting of:

(a) The original or a certified copy of the year-end statement of the ward's account from the financial institution; and

(b) A statement by the guardian under penalty of perjury that the guardian has custody and control of the ward's property as shown in the year-end statement.

~~(2) The clerk has no responsibility to monitor or audit the accounts and may not accept a fee for doing so.~~

~~(2)(3)~~ The accounting allowed by subsection (1) is in lieu of the accounting and auditing procedures under s. 744.3678(2) ~~ss. 744.3678 and 744.368(1)(f)~~. However, any interested party may seek judicial review as provided in s. 744.3685.

~~(3)(4)~~ The guardian need not be represented by an attorney in order to file the annual accounting allowed by subsection (1).

Section 19. Subsection (3) of section 744.368, Florida Statutes, is amended to read:

744.368 Responsibilities of the clerk of the circuit court.--

(3) Within 90 days after the filing of the verified inventory and accountings ~~initial or annual guardianship report~~ by a guardian of the property, the clerk shall audit the verified inventory and ~~or the accountings~~ annual accounting. The clerk shall advise the court of the results of the audit.

Section 20. Subsection (19) of section 744.441, Florida Statutes, is amended to read:

744.441 Powers of guardian upon court approval.--After obtaining approval of the court pursuant to a petition for authorization to act, a plenary guardian of the property, or a limited guardian of the property within the powers granted by the order appointing the guardian or an approved annual or amended guardianship report, may:

(19) Create or amend revocable trusts or create irrevocable trusts of property of the ward's estate which may extend beyond the disability or life of the ward in connection with estate, gift, income, or other tax planning or in connection with estate planning. The court shall retain oversight of the assets transferred to a trust, unless otherwise ordered by the court.

Section 21. Section 744.442, Florida Statutes, is created to read:

744.442 Delegation of authority.--

(1) A guardian may designate a surrogate guardian to exercise the powers of the guardian if the guardian is unavailable to act. A person designated as a surrogate guardian under this section must be a professional guardian.

(2)(a) A guardian must file a petition with the court requesting permission to designate a surrogate guardian.

(b) If the court approves the designation, the order must specify the name and business address of the surrogate guardian and the duration of appointment, which may not exceed 30 days. The court may extend the appointment for good cause shown. The surrogate guardian may exercise all powers of the guardian unless limited by order of the court. The surrogate guardian must file with the court an oath swearing or affirming that he or she will faithfully perform the duties delegated. The court may require the surrogate guardian to post a bond.

(3) This section does not limit the responsibility of the guardian to the ward and to the court. The guardian is liable for the acts of the surrogate guardian. The guardian may terminate the authority of the surrogate guardian by filing a written notice of the termination with the court.

(4) The surrogate guardian is subject to the jurisdiction of the court as if appointed to serve as guardian.

Section 22. Paragraphs (c), (e), and (f) of subsection (2) and subsection (4) of section 744.464, Florida Statutes, are amended to read:

744.464 Restoration to capacity.--

(2) SUGGESTION OF CAPACITY.--

(c) The court shall immediately send notice of the filing of the suggestion of capacity to the ward, the guardian, the attorney for the ward, if any, ~~the state attorney,~~ and any other interested persons designated by the court. Formal notice must be served on the guardian. Informal notice may be served on other persons. Notice need not be served on the person who filed the suggestion of capacity.

(e) If an objection is timely filed, or if the medical examination suggests that full restoration is not appropriate, the court shall set the matter for hearing. If the ward does not have an attorney, the court shall appoint one to represent the ward.

(f) Notice of the hearing and copies of the objections and medical examination reports shall be served upon the ward, the ward's attorney, the guardian, ~~the state attorney,~~ the ward's next of kin, and any other interested persons as directed by the court.

~~(4) TIME LIMITATION FOR FILING SUGGESTION OF CAPACITY.--~~
~~Notwithstanding this section, a suggestion of capacity may not be filed within~~
~~90 days after an adjudication of incapacity or denial of restoration, unless good~~
~~cause is shown.~~

Section 23. Paragraph (a) of subsection (19) of section 744.474, Florida Statutes, is amended, and paragraph (b) of that subsection is redesignated as subsection (20) of that section and amended, to read:

744.474 Reasons for removal of guardian.--A guardian may be removed for any of the following reasons, and the removal shall be in addition to any other penalties prescribed by law:

(19) Upon a showing by a person who did not receive notice of the petition for adjudication of incapacity, when such notice is required, or who is related to the ward within the relationships specified for nonresident relatives in ss. 744.309(2) and 744.312(2) and who has not previously been rejected by the court as a guardian that:

~~(a)~~ the current guardian is not a family member; and subsection (20) applies.

~~(20)(b)~~ Upon a showing that removal of the current guardian is in the best interest of the ward. In determining whether a guardian who is related by blood or marriage to the ward is to be removed, there shall be a rebuttable presumption that the guardian is acting in the best interests of the ward.

~~the court may remove the current guardian and appoint the petitioner, or such person as the court deems in the best interest of the ward, either as guardian of the person or of the property, or both.~~

Section 24. Section 744.511, Florida Statutes, is amended to read:

744.511 Accounting upon removal.--A removed guardian shall file with the court a true, complete, and final report of his or her guardianship within 20 days after removal and shall serve a copy on the successor guardian and the ward, unless the ward is a minor under 14 years of age or has been determined to be totally incapacitated.

Section 25. Section 744.527, Florida Statutes, is amended to read:

744.527 Final reports and application for discharge; hearing.--

(1) When the court terminates the guardianship for any of the reasons set forth in s. 744.521, the guardian shall promptly file his or her final report. If the ward has died, the guardian must file a final report with the court no later than 45 days after he or she has been served with letters of administration or letters of curatorship. If no objections are filed and if it appears that the guardian has made full and complete distribution to the person entitled and has otherwise faithfully discharged his or her duties, the court shall approve the final report. If objections are filed, the court shall conduct a hearing in the same manner as provided for a hearing on objections to annual guardianship reports.

(2) The guardian applying for discharge may ~~is authorized to~~ retain from the funds in his or her possession a sufficient amount to pay the final costs of administration, including guardian and attorney's fees regardless of the death of the ward, accruing between the filing of his or her final returns and the order of discharge.

Section 26. Subsection (3) of section 744.528, Florida Statutes, is amended to read:

744.528 Discharge of guardian named as personal representative.--

(3) Any interested person may file a notice of ~~The court shall set~~ a hearing on any objections filed by the beneficiaries. Notice of the hearing must ~~shall~~ be served upon the guardian, beneficiaries of the ward's estate, and any other person to whom the court directs service. If a notice of hearing on the objections is not served within 90 days after filing of the objections, the objections are deemed abandoned.

Section 27. Subsections (5) through (8) of section 744.708, Florida Statutes, are amended to read:

744.708 Reports and standards.--

(5)(a) Each office of public guardian shall undergo an independent audit by a qualified certified public accountant shall be performed at least once every 2 years. The audit should include an investigation into the practices of the office for managing the person and property of the wards. A copy of the audit report shall be submitted to the Statewide Public Guardianship Office.

(b) In addition to regular monitoring activities, the Statewide Public Guardianship Office shall conduct an investigation into the practices of each office of public guardian related to the managing of each ward's personal

affairs and property. When feasible, the investigation required under this paragraph shall be conducted in conjunction with the financial audit of each office of public guardian under paragraph (a).

(c) In addition, ~~each~~ the office of public guardian shall be subject to audits or examinations by the Auditor General and the Office of Program Policy Analysis and Government Accountability pursuant to law.

(6) A ~~The~~ public guardian shall ensure that each of the guardian's wards is personally visited ward is seen by the public guardian or by one of the guardian's ~~a~~ professional staff person at least once each calendar quarter ~~four~~ times a year. During this personal visit, the public guardian or the professional staff person shall assess:

(a) The ward's physical appearance and condition.

(b) The appropriateness of the ward's current living situation.

(c) The need for any additional services and the necessity for continuation of existing services, taking into consideration all aspects of social, psychological, educational, direct service, health, and personal care needs.

(7) The ratio for professional staff to wards shall be 1 professional to 40 wards. The Statewide Public Guardianship Office may increase or decrease the ratio after consultation with the local public guardian and the chief judge of the circuit court. The basis of the decision to increase or decrease the prescribed ratio shall be reported in the annual report to the Secretary of Elderly Affairs, the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court.

(8) ~~The term "professional," for purposes of this part, shall not include the public guardian nor the executive director of the Statewide Public Guardianship Office. The term "professional" shall be limited to those persons who exercise direct supervision of individual wards under the direction of the public guardian.~~

Section 28. Paragraph (a) of subsection (5) of section 765.101, Florida Statutes, is amended to read:

765.101 Definitions.--As used in this chapter:

(5) "Health care decision" means:

(a) Informed consent, refusal of consent, or withdrawal of consent to any and all health care, including life-prolonging procedures and mental health treatment, unless otherwise stated in the advance directives.

Section 29. Section 28.345, Florida Statutes, is amended to read:

28.345 Exemption from court-related fees and charges.--Notwithstanding any other ~~provision of this chapter or~~ law to the contrary, judges and those court staff acting on behalf of judges, state attorneys, guardians ad litem, public guardians, attorneys ad litem, court-appointed private counsel, and public defenders, acting in their official capacity, and state agencies; are exempt from all court-related fees and charges assessed by the clerks of the circuit courts.

Section 30. Paragraph (c) of subsection (8) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.--Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(8) DESIGNATION OF BENEFICIARIES.--

(c) Notwithstanding the member's designation of benefits to be paid through a trust to a beneficiary that is a natural person as provided in s. 121.021(46), and notwithstanding the provisions of the trust, benefits shall be paid directly to the beneficiary if the ~~such~~ person is no longer a minor or an incapacitated person as defined in s. 744.102~~(11) and (12).~~

Section 31. Paragraph (c) of subsection (20) of section 121.4501, Florida Statutes, is amended to read:

121.4501 Public Employee Optional Retirement Program.--

(20) DESIGNATION OF BENEFICIARIES.--

(c) Notwithstanding the participant's designation of benefits to be paid through a trust to a beneficiary that is a natural person, and notwithstanding

the provisions of the trust, benefits shall be paid directly to the beneficiary if the such person is no longer a minor or an incapacitated person as defined in s. 744.102~~(11)~~ and ~~(12)~~.

Section 32. Subsection (1) and paragraphs (b), (d), and (f) of subsection (4) of section 709.08, Florida Statutes, are amended to read:

709.08 Durable power of attorney.--

(1) CREATION OF DURABLE POWER OF ATTORNEY.--A durable power of attorney is a written power of attorney by which a principal designates another as the principal's attorney in fact. The durable power of attorney must be in writing, must be executed with the same formalities required for the conveyance of real property by Florida law, and must contain the words: "This durable power of attorney is not affected by subsequent incapacity of the principal except as provided in s. 709.08, Florida Statutes"; or similar words that show the principal's intent that the authority conferred is exercisable notwithstanding the principal's subsequent incapacity, except as otherwise provided by this section. The durable power of attorney is exercisable as of the date of execution; however, if the durable power of attorney is conditioned upon the principal's lack of capacity to manage property as defined in s. 744.102~~(12)~~~~(11)~~(a), the durable power of attorney is exercisable upon the delivery of affidavits in paragraphs (4)(c) and (d) to the third party.

(4) PROTECTION WITHOUT NOTICE; GOOD FAITH ACTS; AFFIDAVITS.--

(b) Any third party may rely upon the authority granted in a durable power of attorney that is conditioned on the principal's lack of capacity to manage property as defined in s. 744.102~~(12)~~~~(11)~~(a) only after receiving the affidavits provided in paragraphs (c) and (d), and such reliance shall end when the third party has received notice as provided in subsection (5).

(d) A determination that a principal lacks the capacity to manage property as defined in s. 744.102~~(12)~~~~(11)~~(a) must be made and evidenced by the affidavit of a physician licensed to practice medicine pursuant to chapters 458 and 459 as of the date of the affidavit. A judicial determination that the principal lacks the capacity to manage property pursuant to chapter 744 is not required prior to the determination by the physician and the execution of the affidavit. For purposes of this section, the physician executing the affidavit must be the primary physician who has responsibility for the treatment and care of the principal. The affidavit executed by a physician must state where the physician is licensed to practice medicine, that the physician is the primary physician who has responsibility for the treatment and care of the principal, and that the physician believes that the principal lacks the capacity to manage property as defined in s. 744.102~~(12)~~~~(11)~~(a). The affidavit may, but need not, be in the following form:

STATE OF _____
COUNTY OF _____

Before me, the undersigned authority, personally appeared (name of physician) , Affiant, who swore or affirmed that:

1. Affiant is a physician licensed to practice medicine in (name of state, territory, or foreign country) .

2. Affiant is the primary physician who has responsibility for the treatment and care of (principal's name) .

3. To the best of Affiant's knowledge after reasonable inquiry, Affiant believes that the principal lacks the capacity to manage property, including taking those actions necessary to obtain, administer, and dispose of real and personal property, intangible property, business property, benefits, and income.

(Affiant)

Sworn to (or affirmed) and subscribed before me this (day of) (month) , (year) , by (name of person making statement)

(Signature of Notary Public-State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known OR Produced Identification

(Type of Identification Produced)

(f) A third party may not rely on the authority granted in a durable power of attorney conditioned on the principal's lack of capacity to manage property as defined in s. 744.102~~(12)~~~~(11)~~(a) when any affidavit presented has been executed more than 6 months prior to the first presentation of the durable power of attorney to the third party.

Section 33. Subsection (3) of section 744.1085, Florida Statutes, is amended to read:

744.1085 Regulation of professional guardians; application; bond required; educational requirements.--

(3) Each professional guardian defined in s. 744.102~~(17)~~~~(16)~~ and public guardian must receive a minimum of 40 hours of instruction and training. Each professional guardian must receive a minimum of 16 hours of continuing education every 2 calendar years after the year in which the initial 40-hour educational requirement is met. The instruction and education must be completed through a course approved or offered by the Statewide Public Guardianship Office. The expenses incurred to satisfy the educational requirements prescribed in this section may not be paid with the assets of any ward. This subsection does not apply to any attorney who is licensed to practice law in this state.

Section 34. For the purpose of incorporating the amendment made by this act to section 744.3215, Florida Statutes, in a reference thereto, subsection (4) of section 117.107, Florida Statutes, is reenacted to read:

117.107 Prohibited acts.--

(4) A notary public may not take the acknowledgment of or administer an oath to a person whom the notary public actually knows to have been adjudicated mentally incapacitated by a court of competent jurisdiction, where the acknowledgment or oath necessitates the exercise of a right that has been removed pursuant to s. 744.3215(2) or (3), and where the person has not been restored to capacity as a matter of record.

Section 35. This act shall take effect July 1, 2006.

===== TITLE AMENDMENT =====

Remove the entire title and insert:

A bill to be entitled

An act relating to guardianship; amending s. 744.102, F.S.; defining the terms "audit" and "surrogate guardian"; amending s. 744.1083, F.S.; revising provisions relating to identification information provided by professional guardians for registration; providing that the Statewide Public Guardianship Office need not review credit and criminal investigations from a state college or university before registering the institution as a professional guardian; amending s. 744.301, F.S.; providing that in the event of death, the surviving parent is the sole natural guardian of a minor; prohibiting a natural guardian from using the property of the ward for the guardian's benefit without a court order; creating s. 744.3025, F.S.; authorizing a court to appoint a guardian ad litem to represent a minor's interest in certain claims that exceed a specified amount; requiring a court to appoint a guardian ad litem to represent a minor's interest in certain claims that exceed a specified amount; providing that a court need not appoint a guardian ad litem under certain circumstances; requiring a court to award reasonable fees and costs to the guardian ad litem; amending s. 744.3031, F.S.; increasing the time an emergency temporary guardian may serve; increasing the time of an extension; requiring an emergency temporary guardian to file a final report; providing for the contents of the final report; amending s. 744.304, F.S.; specifying the persons who may file a petition for a standby guardian; requiring that notice of the appointment hearing be served on the ward's next of kin; clarifying when a standby guardian may assume the duties of guardian; requiring that each standby guardian submit to credit and criminal history record checks; amending s. 744.3115, F.S.; defining the term "health care decision"; amending s. 744.3135, F.S.; providing procedures for completing a guardian's criminal history record check; authorizing a guardian to use electronic fingerprinting equipment that is available for criminal history record checks of public employees; providing that a guardian need not be rescreened if he or she uses certain electronic fingerprinting equipment; providing for fees; requiring the Statewide Public Guardianship Office to request that the Department of Law Enforcement forward certain fingerprints to the Federal Bureau of Investigation; requiring the Statewide Public

Guardianship Office to adopt a rule for credit investigations of guardians; amending s. 744.3145, F.S.; reducing the time in which a guardian must complete the education courses; amending s. 744.3215, F.S.; providing that an incapacitated person retains the right to receive services and rehabilitation necessary to maximize the quality of the person's life; revising provisions relating to rights that may be removed from a person determined incapacitated; amending s. 744.331, F.S.; requiring that the court appoint an attorney for an alleged incapacitated person from a specified registry; requiring attorneys to complete certain training programs; providing that a member of the examining committee may not be related to or associated with certain persons; prohibiting a person who served on an examining committee from being appointed as the guardian; requiring each member of an examining committee to file an affidavit stating that he or she has completed or will timely complete the mandatory training; providing for training programs; requiring each member to file a report regarding his or her examination of an alleged incapacitated person; providing for dismissal of a petition alleging incapacity based on the reports of the majority of the committee members; providing for an award of attorney's fees; amending s. 744.341, F.S.; requiring the voluntary guardian to include certain information in the annual report; amending s. 744.361, F.S.; requiring a professional guardian to ensure that each of his or her wards is personally visited at least quarterly; providing for the assessment of certain conditions during the personal visit; providing an exemption; amending s. 744.365, F.S.; requiring that the verified inventory include information on any trust to which a ward is a beneficiary; amending s. 744.367, F.S.; requiring that the annual report of the guardian filing on a calendar-year basis be filed on or before a specified date; exempting all minor wards from service of the annual report; amending s. 744.3675, F.S.; requiring that the annual guardianship plan include information on the mental condition of the ward; providing for an annual guardianship plan for wards who are minors; amending s. 744.3678, F.S.; providing that property of the ward which is not under the control of the guardian, including certain trusts, is not subject to annual accounting; requiring certain documentation for the annual accounting; amending s. 744.3679, F.S.; removing a provision prohibiting the clerk of the court from having responsibility for monitoring or auditing accounts in certain cases; amending s. 744.368, F.S.; requiring that the verified inventory and the accountings be audited within a specified time period; amending s. 744.441, F.S.; requiring the court to retain oversight for assets of a ward transferred to a trust; creating s. 744.442, F.S.; providing that a guardian may designate a surrogate guardian to exercise the powers of the guardian if the guardian is unavailable to act; requiring the surrogate guardian to be a professional guardian; providing the procedures to be used in appointing a surrogate guardian; providing the duties of a surrogate guardian; requiring the guardian to be liable for the acts of the surrogate guardian; authorizing the guardian to terminate the services of the surrogate guardian by filing a written notice of the termination with the court; amending s. 744.464, F.S.; removing the state attorney from the list of persons to be served a notice of a hearing on restoration of capacity; removing a time limitation on the filing of a suggestion of capacity; amending s. 744.474, F.S.; revising provisions relating to removal of a guardian who is not a family member; revising provisions relating to removal of a guardian upon a showing that removal of the current guardian is in the best interest of the ward; amending s. 744.511, F.S.; providing that a ward who is a minor need not be served with the final report of a removed guardian; amending s. 744.527, F.S.; providing that final reports for a deceased ward be filed at a specified time; amending s. 744.528, F.S.; providing for a notice of the hearing for objections to a report filed by a guardian; amending s. 744.708, F.S.; revising provisions relating to audits and investigations of each office of public guardian; requiring a public guardian to ensure that each of his or her wards is personally visited at least quarterly; providing for the assessment of certain conditions during the personal visit; providing for additional distribution of a specified annual report; deleting a definition; amending s. 765.101, F.S.; redefining the term "health care decision" to include informed consent for mental health treatment services; amending s. 28.345, F.S.; revising provisions relating to exemptions from paying court-related fees and charges; amending ss. 121.091, 121.4501, 709.08, and 744.1085, F.S.; conforming cross-references; reenacting s. 117.107(4), F.S., relating to

prohibited acts of a notary public, to incorporate the amendment made to s. 744.3215, F.S., in a reference thereto; providing an effective date.

Rep. Sands moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 459—A bill to be entitled An act relating to public records; amending s. 744.7082, F.S.; creating an exemption from public records requirements for identifying information of persons making a donation of funds or property to the direct-support organization of the Statewide Public Guardianship Office; providing for review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 841—A bill to be entitled An act relating to supersedeas bond; creating s. 768.734, F.S.; providing limits on the amount of supersedeas bond in the aggregate necessary to stay execution of a judgment; limiting the amount of supersedeas bond required for certain appellants; providing an exception to limits if an appellant engages in certain conduct for the purpose of avoiding payment of the judgment; providing an effective date.

The Justice Council recommended the following:

HB 841 CS—A bill to be entitled An act relating to supersedeas bond; creating s. 768.734, F.S.; providing limits on the amount of supersedeas bond necessary to stay execution of a judgment; limiting the amount of supersedeas bond required for certain appellants; providing an exception to limits if an appellant engages in certain conduct for the purpose of avoiding payment of the judgment; providing applicability; providing an effective date.

—was read the second time by title.

Representative Attkisson offered the following:

(Amendment Bar Code: 242447)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 45.045, Florida Statutes, is created to read:

45.045 Limitations on supersedeas bond; exception.--

(1) Except for certified class actions subject to s. 768.733, in any civil action brought under any legal theory, the amount of a supersedeas bond necessary to obtain an automatic stay of execution of a judgment granting any type of relief during the entire course of all appeals or discretionary reviews, may not exceed \$50 million for each appellant, regardless of the amount of the judgment appealed. The \$50 million amount shall be adjusted annually to reflect changes in the Consumer Price Index compiled by the United States Department of Labor.

(2) In any civil action brought under any legal theory, a party seeking a stay of execution of a judgment pending review of any amount may move the court to reduce the amount of a supersedeas bond required to obtain such a stay. The court, in the interest of justice and for good cause shown, may reduce the supersedeas bond or may set other conditions for the stay with or without a bond. The court may not reduce the supersedeas bond if the appellant has an insurance or indemnification policy applicable to the case. This subsection does not apply to certified class actions subject to s. 768.733.

(3) If an appellant has posted a supersedeas bond for an amount less than that which would be required for an automatic stay pursuant to Rule 9.310(b)(1), Florida Rules of Appellate Procedure, the appellee may engage in discovery for the limited purpose of determining whether the appellant has dissipated or diverted assets outside the course of its ordinary business or is in the process of doing so.

(4) If the trial or appellate court determines that an appellant has dissipated or diverted assets outside the course of its ordinary business or is in the process

of doing so, the court may enter orders necessary to protect the appellee, require the appellant to post a supersedeas bond in an amount up to, but not more than, the amount that would be required for an automatic stay pursuant to Rule 9.310(b)(1), Florida Rules of Appellate Procedure, and impose other remedies and sanctions as the court deems appropriate.

Section 2. This act shall take effect July 1, 2006, and shall apply to judgments rendered on or after that date.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

A bill to be entitled

An act relating to supersedeas bond; creating s. 45.045, F.S.; limiting the amount of supersedeas bond required for certain appellants; providing that a party may move the court to reduce the supersedeas bond; providing an exception to limits if an appellant engages in certain conduct for the purpose of avoiding payment of the judgment; providing applicability; providing an effective date.

Rep. Attkisson moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 771—A bill to be entitled An act relating to cosmetology; amending s. 477.013, F.S.; providing and amending definitions; redefining "cosmetology" to include hair technician, esthetician, and nail technician services; including body wrapping within esthetician services; removing a distinction between specialty salons and other salons; creating s. 477.0131, F.S.; authorizing licensure for hair technicians, estheticians, nail technicians, and cosmetologists; amending s. 477.0132, F.S.; requiring passage of a specified course to receive a hair braiding registration; increasing the total hours of instruction and modifying the content of instruction required to constitute a hair braiding course; providing an exemption from a portion of required hair braiding coursework; eliminating future body wrapping registrations; authorizing renewal of current body wrapping registrations; specifying that only the Board of Cosmetology may review, evaluate, and approve required text; amending s. 477.014, F.S.; revising requirements for qualification to practice under ch. 477, F.S.; authorizing current specialists to sit for licensure examinations in certain circumstances; providing for the renewal of current specialty registrations; amending s. 477.019, F.S.; revising qualification, education, licensure and renewal, supervised practice, and endorsement requirements for cosmetologist licenses to include and differentiate qualification, education, licensure and renewal, supervised practice, and endorsement requirements for hair technician, esthetician, and nail technician licenses; requiring the board to adopt certain procedures relating to licensure by endorsement; amending s. 477.0212, F.S.; increasing fee caps for the reactivation of an inactive license; requiring the board to adopt certain rules relating to license renewal or continuing education; amending s. 477.023, F.S.; stipulating that the Department of Education is not prevented from issuing grooming and salon services certification; amending s. 477.025, F.S., relating to cosmetology and specialty salons, requisites, licensure, inspection, and mobile cosmetology salons, to conform; amending s. 477.026, F.S.; revising fee provisions to conform; increasing fee caps for certain fees; amending s. 477.0263, F.S., to conform; specifying circumstances under which cosmetology or specialty services may be practiced outside of a licensed salon; amending s. 477.0265, F.S., relating to prohibited acts, to conform; amending s. 477.028, F.S., relating to disciplinary proceedings, to conform; amending s. 477.029, F.S., relating to penalties, to conform; repealing s. 477.0201, F.S., relating to specialty registration, qualifications, registration renewal, and endorsement; providing an effective date.

The State Administration Appropriations Committee recommended the following:

HB 771 CS—A bill to be entitled An act relating to cosmetology; amending s. 477.013, F.S.; providing and amending definitions; redefining "cosmetology" to include hair technician, esthetician, and nail technician services; including body wrapping within esthetician services; removing a distinction between specialty salons and other salons; creating s. 477.0131,

F.S.; authorizing licensure for hair technicians, estheticians, nail technicians, and cosmetologists; amending s. 477.0132, F.S.; requiring passage of a specified course to receive a hair braiding registration; increasing the total hours of instruction and modifying the content of instruction required to constitute a hair braiding course; providing an exemption from a portion of required hair braiding coursework; eliminating future body wrapping registrations; authorizing renewal of current body wrapping registrations; specifying that only the Board of Cosmetology may review, evaluate, and approve required text; amending s. 477.014, F.S.; revising requirements for qualification to practice under ch. 477, F.S.; authorizing current specialists to sit for licensure examinations in certain circumstances; providing for the renewal of current specialty registrations; amending s. 477.019, F.S.; revising qualification, education, licensure and renewal, supervised practice, and endorsement requirements for cosmetologist licenses to include and differentiate qualification, education, licensure and renewal, supervised practice, and endorsement requirements for hair technician, esthetician, and nail technician licenses; requiring the board to adopt certain procedures relating to licensure by endorsement; amending s. 477.0212, F.S.; increasing fee caps for the reactivation of an inactive license; requiring the board to adopt certain rules relating to license renewal or continuing education; amending s. 477.023, F.S.; stipulating that the Department of Education is not prevented from issuing grooming and salon services certification; amending s. 477.025, F.S., relating to cosmetology and specialty salons, requisites, licensure, inspection, and mobile cosmetology salons, to conform; amending s. 477.026, F.S.; revising fee provisions to conform; increasing fee caps for certain fees; amending s. 477.0263, F.S., to conform; specifying circumstances under which cosmetology or specialty services may be practiced outside of a licensed salon; amending s. 477.0265, F.S., relating to prohibited acts, to conform; amending s. 477.028, F.S., relating to disciplinary proceedings, to conform; amending s. 477.029, F.S., relating to penalties, to conform; repealing s. 477.0201, F.S., relating to specialty registration, qualifications, registration renewal, and endorsement; providing an effective date.

—was read the second time by title.

On motion by Rep. Carroll, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative(s) Carroll offered the following:

(Amendment Bar Code: 691417)

Amendment 1 (with title amendment)—Remove line(s) 178-636 and insert:

(11) "Cosmetology intern" means a student enrolled in a cosmetology school or program to earn school or program hours by interning under the direct supervision of a licensed cosmetologist in a licensed salon.

(12) "Internship sponsor" means a licensed cosmetologist registered with the board for the purpose of supervising a cosmetology intern and ensuring compliance by the intern with the laws and rules of this state and the internship requirements established by the board and administered through the school or program.

(12) "Body wrapping" means a treatment program that uses herbal wraps for the purposes of cleansing and beautifying the skin of the body, but does not include:

(a) The application of oils, lotions, or other fluids to the body, except fluids contained in presoaked materials used in the wraps; or

(b) Manipulation of the body's superficial tissue, other than that arising from compression emanating from the wrap materials.

(13) "Skin care services" means the treatment of the skin of the body, other than the head, face, and scalp, by the use of a sponge, brush, cloth, or similar device to apply or remove a chemical preparation or other substance, except that chemical peels may be removed by peeling an applied preparation from the skin by hand. Skin care services must be performed by a licensed cosmetologist or facial specialist within a licensed cosmetology or specialty

salon, and such services may not involve massage, as defined in s. 480.033(3), through manipulation of the superficial tissue.

Section 2. Section 477.0131, Florida Statutes, is created to read:

477.0131 Hair technician, esthetician, nail technician, and cosmetology licenses.--

(1) A person who is otherwise qualified by this chapter and who is authorized to practice all of the services listed in s. 477.013(4)(a) shall be licensed as a hair technician.

(2) A person who is otherwise qualified by this chapter and who is authorized to practice all of the services listed in s. 477.013(4)(b) shall be licensed as an esthetician.

(3) A person who is otherwise qualified by this chapter and who is authorized to practice all of the services listed in s. 477.013(4)(c) shall be licensed as a nail technician.

(4) A person who is otherwise qualified by this chapter and who is authorized to practice all of the services listed in s. 477.013(4) shall be licensed as a cosmetologist.

Section 3. Section 477.0132, Florida Statutes, is amended to read:

477.0132 Hair braiding, hair wrapping, and body wrapping registration.--

(1) A person whose occupation or practice is confined solely to hair braiding shall register with the department, shall pay the applicable registration fees, and shall take and pass a course consisting of a minimum of 40 hours, except as otherwise provided in this subsection. The course shall be approved by the board and shall consist of 4 hours of instruction in HIV/AIDS and other communicable diseases, 5 hours of instruction in sanitation and sterilization, 5 hours of instruction in disorders and diseases of the scalp, 2 hours of instruction regarding laws affecting hair braiding, and 24 hours of instruction in the application and removal of hair braiding. A person who demonstrates skill in the application and removal of hair braiding through a board-approved examination may be exempt from the 24 hours of instruction in the application and removal of hair braiding.

~~(a) Persons whose occupation or practice is confined solely to hair braiding must register with the department, pay the applicable registration fee, and take a two-day 16-hour course. The course shall be board approved and consist of 5 hours of HIV/AIDS and other communicable diseases, 5 hours of sanitation and sterilization, 4 hours of disorders and diseases of the scalp, and 2 hours of studies regarding laws affecting hair braiding.~~

~~(2)(b) A person~~ Persons whose occupation or practice is confined solely to hair wrapping shall ~~must~~ register with the department, pay the applicable registration fee, and take a one-day 6-hour course. The course shall be board approved and consist of instruction ~~education~~ in HIV/AIDS and other communicable diseases, sanitation and sterilization, disorders and diseases of the scalp, and instruction ~~studies~~ regarding laws affecting hair wrapping.

(3) A person holding a registration in body wrapping before January 1, 2007, may continue to practice body wrapping as described in s. 477.013(4)(b)6. The board shall adopt by rule continuing education requirements for the renewal of body wrapping registrations.

~~(e) Unless otherwise licensed or exempted from licensure under this chapter, any person whose occupation or practice is body wrapping must register with the department, pay the applicable registration fee, and take a two-day 12-hour course. The course shall be board approved and consist of education in HIV/AIDS and other communicable diseases, sanitation and sterilization, disorders and diseases of the skin, and studies regarding laws affecting body wrapping.~~

~~(4)(d)~~ Only the board may review, evaluate, and approve a course and text required of an applicant for registration under this section ~~subsection~~ in the occupation or practice of hair braiding or hair wrapping, or body wrapping. A provider of such a course is not required to hold a license under chapter 1005.

~~(5)(2)~~ Hair braiding and hair wrapping, and body wrapping are not required to be practiced in a cosmetology salon or specialty salon. When hair braiding or hair wrapping, or body wrapping is practiced outside a cosmetology salon or specialty salon, disposable implements shall ~~must~~ be used or all implements shall ~~must~~ be sanitized in a disinfectant approved for hospital use or approved by the federal Environmental Protection Agency.

~~(3)~~ Pending issuance of registration, a person is eligible to practice hair braiding, hair wrapping, or body wrapping upon submission of a registration

application that includes proof of successful completion of the education requirements and payment of the applicable fees required by this chapter.

Section 4. Section 477.014, Florida Statutes, is amended to read:

477.014 Qualifications for practice.--

~~(1) On and after January 1, 2007, a 1979, no person who is not other than a duly licensed or registered under this chapter may not~~ cosmetologist shall practice in any of the cosmetology areas provided in s. 477.013(4) or use the name or title of cosmetologist, hair technician, esthetician, or nail technician.

(2) A person licensed or registered under this chapter on or after January 1, 2007, may not practice or hold himself or herself out as qualified to practice in an area in which he or she is not specifically licensed or registered under this chapter.

(3) A cosmetologist licensed before January 1, 2007, may perform all the services of a licensed cosmetologist as defined in this chapter.

(4) A facial specialist registered or enrolled in a cosmetology school before January 1, 2007, may take the examination for an esthetician license.

(5) A manicure, pedicure, and nail extension specialist registered or enrolled in a cosmetology school before January 1, 2007, may take the examination for a nail technician license.

(6) A specialist registered under this chapter before January 1, 2007, may continue to practice under the name of his or her specialty registration without taking the respective licensure examination. Renewal of all registrations existing before January 1, 2007, shall be accomplished pursuant to rules adopted by the board. Such renewal shall include a full specialty registration, which combines facial and manicure, pedicure, and nail extension.

Section 5. Section 477.019, Florida Statutes, is amended to read:

477.019 Cosmetologists; hair technicians; estheticians; nail technicians; qualifications; licensure; supervised practice; license renewal; endorsement; continuing education.--

~~(1) A person desiring to be licensed in the field of cosmetology as a~~ cosmetologist shall apply to the department for licensure.

~~(2) An applicant is shall be~~ eligible for licensure by examination to practice cosmetology, hair technician services, esthetician services, or nail technician services if the applicant:

(a) Is at least 16 years of age or has received a high school diploma or graduate equivalency diploma or has passed an ability-to-benefit test, which is an independently administered test approved by the United States Secretary of Education as provided in 20 U.S.C. s. 1091(d);

(b) Pays the required application fee, which is not refundable, and the required examination fee, which is refundable if the applicant is determined to not be eligible for licensure for any reason other than failure to successfully complete the licensure examination; and

(c)1. Is authorized to practice cosmetology in another state or country, has been so authorized for at least 1 year, and does not qualify for licensure by endorsement as provided for in subsection (6); or

2.a. Has received a minimum number of hours of training as follows:

(I) For a hair technician, 1,000 hours.

(II) For an esthetician, 600 hours.

(III) For a nail technician, 350 hours.

(IV) For a cosmetologist, 1,800 hours.

b. The training Has received a minimum of 1,200 hours of training as established by the board, which shall include, but need shall not be limited to, the equivalent of completion of services directly related to the practice of cosmetology at one of the following:

~~(I)a.~~ A school of cosmetology licensed pursuant to chapter 1005.

~~(II)b.~~ A cosmetology program within the public school system.

~~(III)c.~~ The Cosmetology Division of the Florida School for the Deaf and the Blind, provided the division meets the standards of this chapter.

~~(IV)d.~~ A government-operated cosmetology program in this state.

c. A person who has enrolled and begun his or her education before January 1, 2007, may take the examination to be licensed as a cosmetologist upon completion of 1,200 hours of education.

d. A person who begins his or her education on or after January 1, 2007, shall comply with the hour requirements in sub-subparagraph a. in order to qualify to take his or her respective examination.

The board shall establish by rule procedures whereby the school or program may certify that a person is qualified to take the required examination after the completion of a minimum of 1,000 actual school hours. If the person then passes the examination, he or she shall have satisfied this requirement; but if the person fails the examination, he or she shall not be qualified to take the examination again until the completion of the full requirements provided by this section.

(3) Upon an applicant receiving a passing grade, as established by board rule, on the examination and paying the initial licensing fee, the department shall issue a license to practice in the applicant's respective area of cosmetology provided in s. 477.013(4).

(4) After submitting a complete application to take the first available examination for licensure as a cosmetologist, hair technician, esthetician, or nail technician, a graduate of a licensed cosmetology school or a program within the public school system, which school or program is certified by the Department of Education, is eligible to practice in the graduate's respective area for a maximum period of 60 days, provided such graduate practices under the supervision of a professional licensed under this chapter in a licensed salon. A graduate who fails to pass an examination the first time may continue to practice under the supervision of a professional licensed under this chapter in a licensed salon for an additional 60-day period, provided the graduate applies for the next available examination. A graduate may not continue to practice under this subsection if the graduate fails the examination twice. Following the completion of the first licensing examination and pending the results of that examination and issuance of a license to practice cosmetology, graduates of licensed cosmetology schools or cosmetology programs offered in public school systems, which schools or programs are certified by the Department of Education, are eligible to practice cosmetology, provided such graduates practice under the supervision of a licensed cosmetologist in a licensed cosmetology salon. A graduate who fails the first examination may continue to practice under the supervision of a licensed cosmetologist in a licensed cosmetology salon if the graduate applies for the next available examination and until the graduate receives the results of that examination. No graduate may continue to practice under this subsection if the graduate fails the examination twice.

(5) Renewal of license registration shall be accomplished pursuant to rules adopted by the board.

(6) The board shall adopt rules specifying procedures for the licensure by endorsement of practitioners desiring to be licensed in this state who hold a current active license in another state or country and who have met qualifications substantially similar to, equivalent to, or greater than the qualifications required of applicants from this state. For purposes of this subsection, work experience may be substituted for required educational hours in the amount and manner provided by board rule.

(7)(a) The board shall prescribe by rule continuing education requirements for licensees and registered specialists that intended to ensure the protection of the public through updated training of licensees and registered specialists, not to exceed 16 hours biennially, as a condition for renewal of a license or registration as a specialist under this chapter. Continuing education courses shall include, but not be limited to, the following subjects as they relate to the practice of cosmetology: HIV/AIDS human immunodeficiency virus and acquired immune deficiency syndrome; Occupational Safety and Health Administration regulations; workers' compensation issues; state and federal laws and rules as they pertain to cosmetologists, the practice of cosmetology, salons, specialists, specialty salons, and booth renters; chemical makeup as it pertains to hair, skin, and nails; and environmental issues. Courses given at educational cosmetology conferences may be counted toward the number of continuing education hours required if approved by the board.

(b) Any person whose occupation or practice is confined solely to hair braiding or hair wrapping, or body wrapping is exempt from the continuing education requirements of this subsection.

(c) The board may, by rule, require any licensee in violation of a continuing education requirement to take a refresher course or refresher course and examination in addition to any other penalty. The number of hours for the refresher course may not exceed 48 hours.

Section 6. Section 477.0212, Florida Statutes, is amended to read:
477.0212 Inactive status.--

(1) A cosmetologist's license issued under this chapter that has become inactive may be reactivated under s. 477.019 upon application to the department.

(2) The board shall adopt promulgate rules relating to licenses that which have become inactive and for the renewal of inactive licenses. The board shall prescribe by rule a fee not to exceed \$100 \$50 for the reactivation of an inactive license and a fee not to exceed \$50 for the renewal of an inactive license. The board shall prescribe by rule the continuing education requirements to be met prior to license renewal or reactivation.

Section 7. Section 477.023, Florida Statutes, is amended to read:

477.023 Schools of cosmetology; licensure.--A ~~No~~ private school of cosmetology may not ~~shall be permitted to~~ operate without a license issued by the Commission for Independent Education pursuant to chapter 1005. However, this chapter does not ~~nothing herein shall be construed to~~ prevent certification by the Department of Education of grooming and salon services and cosmetology training programs within the public school system or to prevent government operation of any other program of cosmetology in this state.

Section 8. Section 477.0231, Florida Statutes, is created to read:

477.0231 Cosmetology internships.--

(1) The selection and placement of cosmetology interns shall be determined by the cosmetology school or program. The school or program shall determine whether a student is eligible to become a cosmetology intern and whether an internship sponsor meets the requirements for its educational objectives. The school program, on behalf of the student, shall provide written notice to the board that an internship sponsor has been selected and name the cosmetology intern to be supervised. The school or program shall determine the length and schedule of an individual cosmetology internship, but such internship may not exceed 24 months.

(2) Each internship sponsor shall obtain approval from a school or cosmetology program and shall register with the board before accepting placement of each cosmetology intern. The application for registration shall include the name and contact person of the school or program placing the intern, the names and addresses of the internship sponsor, and other information that the board requires.

(3) The internship sponsor shall actively supervise the cosmetology intern in the practice of cosmetology pursuant to rules established by the board. A cosmetology intern may only practice within the field of cosmetology in which he or she is engaged in the course of study. The internship sponsor shall ensure that the cosmetology intern is complying with the laws and rules governing cosmetology and is complying with the educational objectives and guidelines established by the cosmetology school or program and the board.

(4) All services provided by the cosmetology intern shall be expressly approved by the internship sponsor and contracted for by the internship sponsor. The internship sponsor shall ensure that the public is clearly informed that the cosmetology intern is not a licensed cosmetologist.

(5) Pursuant to rules established by the board, the cosmetology salon in which a cosmetology intern is engaged in the practice of cosmetology shall post notice in a conspicuous manner within the salon indicating that a student intern is providing services on the premises.

(6) While engaged in the practice of cosmetology, a cosmetology intern shall possess written documentation of his or her authorization to engage in the practice of cosmetology from the student's cosmetology school or program and shall furnish such documentation to the department before engaging in the practice of cosmetology and upon request by department personnel.

(7) The board shall establish by rule the education prerequisites for cosmetology internships, including the minimum number of hours of classroom instruction and required course work. The board shall establish by rule the number of permitted cosmetology internships per internship sponsor, the minimum and maximum number of internship hours, and the recommended educational objectives and guidelines for an internship program in a cosmetology school or program.

(8) The board may terminate the internship of any cosmetology intern and the sponsorship of any internship sponsor for a violation of the laws and rules governing cosmetology. The board shall provide notice of termination of an internship to the internship sponsor, the cosmetology school or program, and the cosmetology intern. In the case of a terminated cosmetology internship, the

school or program shall determine the educational status of the cosmetology intern. A cosmetology intern whose internship sponsor has been terminated, has been otherwise disciplined by the board, or has voluntarily withdrawn from sponsorship remains eligible for new placement through the school or program.

Section 9. Section 477.025, Florida Statutes, is amended to read:

477.025 ~~Cosmetology salons; specialty~~ Salons; requisites; licensure; inspection; mobile ~~cosmetology~~ salons.--

(1) No ~~cosmetology salon or specialty~~ salon shall be permitted to operate without a license issued by the department except as provided in subsection (11).

(2) The board shall adopt rules governing the licensure and operation of salons ~~and specialty salons~~ and their facilities, personnel, safety and sanitary requirements, and the license application and granting process.

(3) Any person, firm, or corporation desiring to operate a ~~cosmetology salon or specialty~~ salon in the state shall submit to the department a salon ~~an~~ application form ~~upon forms~~ provided by the department, ~~and accompanied by~~ any relevant information requested by the department, ~~and by~~ an application fee.

(4) Upon receiving the application, the department may cause an investigation to be made of the proposed ~~cosmetology salon or specialty~~ salon.

(5) When an applicant fails to meet all the requirements provided herein, the department shall deny the application in writing and shall list the specific requirements not met. No applicant denied licensure because of failure to meet the requirements herein shall be precluded from reapplying for licensure.

(6) When the department determines that the proposed ~~cosmetology salon or specialty~~ salon may reasonably be expected to meet the requirements set forth herein, the department shall grant the license upon such conditions as it shall deem proper under the circumstances and upon payment of the original licensing fee.

(7) No license for operation of a ~~cosmetology salon or specialty~~ salon may be transferred from the name of the original licensee to another. It may be transferred from one location to another only upon approval by the department, which approval shall not be unreasonably withheld.

(8) Renewal of license registration for ~~cosmetology salons or specialty~~ salons shall be accomplished pursuant to rules adopted by the board. The board is further authorized to adopt rules governing delinquent renewal of licenses and may impose penalty fees for delinquent renewal.

(9) The board is authorized to adopt rules governing the periodic inspection of ~~cosmetology salons and specialty~~ salons licensed under this chapter.

(10)(a) The board shall adopt rules governing the licensure, operation, and inspection of mobile ~~cosmetology~~ salons, including their facilities, personnel, and safety and sanitary requirements.

(b) Each mobile salon must comply with all licensure and operating requirements specified in this chapter or chapter 455 or rules of the board or department that apply to ~~cosmetology~~ salons at fixed locations, except to the extent that such requirements conflict with this subsection or rules adopted pursuant to this subsection.

(c) A mobile ~~cosmetology~~ salon must maintain a permanent business address, located in the inspection area of the local department office, at which records of appointments, itineraries, license numbers of employees, and vehicle identification numbers of the licenseholder's mobile salon shall be kept and made available for verification purposes by department personnel, and at which correspondence from the department can be received.

(d) To facilitate periodic inspections of mobile ~~cosmetology~~ salons, prior to the beginning of each month each mobile salon licenseholder must file with the board a written monthly itinerary listing the locations where and the dates and hours when the mobile salon will be operating.

(e) The board shall establish fees for mobile ~~cosmetology~~ salons, not to exceed the fees for ~~cosmetology~~ salons at fixed locations.

(f) The operation of mobile ~~cosmetology~~ salons must be in compliance with all local laws and ordinances regulating business establishments, with all applicable requirements of the Americans with Disabilities Act relating to accommodations for persons with disabilities, and with all applicable OSHA requirements.

(11) Facilities licensed under part II or part III of chapter 400 shall be exempt from the provisions of this section and a cosmetologist licensed pursuant to s. 477.019 may provide salon services exclusively for facility residents.

Section 10. Section 477.026, Florida Statutes, is amended to read:

477.026 Fees; disposition.--

(1) The board shall set fees according to the following schedule:

(a) For hair technicians, estheticians, nail technicians, or cosmetologists, fees for original licensing, license renewal, and delinquent renewal may ~~shall~~ not exceed \$50 ~~\$25~~.

(b) For hair technicians, estheticians, nail technicians, or cosmetologists, fees for endorsement application, examination, and reexamination may ~~shall~~ not exceed \$150 ~~\$50~~.

(c) For ~~cosmetology and specialty~~ salons, fees for license application, original licensing, license renewal, and delinquent renewal may ~~shall~~ not exceed \$100 ~~\$50~~.

(d) ~~For specialists, fees for application and endorsement registration shall not exceed \$30.~~

(d)(e) For specialists, fees for initial registration, registration renewal, and delinquent renewal may ~~shall~~ not exceed \$100 ~~\$50~~.

(e)(f) For hair braiders ~~and~~ hair wrappers, ~~and body wrappers~~, fees for registration may ~~shall~~ not exceed \$40 ~~\$25~~.

(f) For internship sponsors, fees for registration may not exceed \$30.

(2) All moneys collected by the department from fees authorized by this chapter shall be paid into the Professional Regulation Trust Fund, which fund is created in the department, and shall be applied in accordance with ss. 215.37 and 455.219. The Legislature may appropriate any excess moneys from this fund to the General Revenue Fund.

(3) The department, with the advice of the board, shall prepare and submit a proposed budget in accordance with law.

Section 11. Section 477.0263, Florida Statutes, is amended to read:

477.0263 Cosmetology services to be performed in licensed salon; ~~exceptions~~ exception.--

(1) Cosmetology or specialty services shall be performed only by licensed cosmetologists, hair technicians, estheticians, nail technicians, or registered specialists in licensed salons, except as otherwise provided in this section.

(2) Pursuant to rules established by the board, cosmetology or specialty services may be performed by a licensed cosmetologist, hair technician, esthetician, nail technician, or registered specialist in a location other than a licensed salon, including, but not limited to, a nursing home, hospital, or residence, when a client for reasons of ill health is unable to go to a licensed salon. Arrangements for the performance of such cosmetology or specialty services in a location other than a licensed salon shall be made only through a licensed salon.

(3) Any person who holds a valid cosmetology license in any state or who is authorized to practice cosmetology in any country, territory, or jurisdiction of the United States may perform cosmetology services in a location other than a licensed salon when such services are performed in connection with the motion picture, fashion photography, theatrical, or television industry; a photography studio salon; a manufacturer trade show demonstration; a department store demonstration; or an educational seminar.

(4) Pursuant to rules established by the board, cosmetology, hair technician, esthetician, nail technician, or specialty services may be performed in a location other than a licensed salon when such services are performed in connection with a special event and are performed by a person who is employed by a licensed salon and who holds the proper license or specialty registration. Scheduling an appointment for the performance of such services in a location other than a licensed salon shall be made through a licensed salon.

Section 12. Section 477.0265, Florida Statutes, is amended to read:

477.0265 Prohibited acts.--

(1) It is unlawful for any person to:

(a) Engage in the practice of cosmetology or a specialty without an active license in the field of cosmetology as a cosmetologist or registration as a specialist issued by the department pursuant to the provisions of this chapter unless authorized as a cosmetology intern pursuant to this chapter and supervised by a licensed cosmetologist.

(b) Own, operate, maintain, open, establish, conduct, or have charge of, either alone or with another person or persons, a ~~cosmetology salon or specialty salon~~:

1. Which is not licensed under the provisions of this chapter; or

2. In which a person not licensed in the field of cosmetology, authorized as a cosmetology intern, or registered as a cosmetologist or a specialist is permitted to perform cosmetology services or any specialty.

(c) Engage in willful or repeated violations of this chapter or of any rule adopted by the board.

(d) Permit an employed person to engage in the practice of cosmetology or of a specialty unless such person holds a valid, active license in the field of cosmetology as a cosmetologist or a registration as a specialist or is authorized as a cosmetology intern pursuant to this chapter and supervised by a licensed cosmetologist.

===== TITLE AMENDMENT =====

Remove line(s) 43-47 and insert:

certification; creating s. 477.0231, F.S.; providing for cosmetology internships; providing requirements for the board, cosmetology interns, internship sponsors, and cosmetology salons relating to cosmetology internships; amending s. 477.025, F.S., relating to cosmetology and specialty salons, requisites, licensure, inspection, and mobile cosmetology salons, to conform; amending s. 477.026, F.S.; revising fee provisions to conform; increasing fee caps for certain fees; providing a fee cap for internship sponsors; amending s.

Rep. Carroll moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 7079—A bill to be entitled An act relating to highway safety and motor vehicles; amending s. 207.008, F.S.; revising requirements for motor carriers to retain certain records as required by the Department of Highway Safety and Motor Vehicles for tax purposes; amending s. 207.021, F.S.; authorizing the department to adopt rules establishing informal conferences to resolve disputes with motor carriers arising from the assessment of taxes, penalties, or interest or the denial of refunds; specifying certain rights of the motor carrier; providing for closing agreements to settle or compromise the taxpayer's liability; providing conditions for settlement or compromise; authorizing installment payment to settle liability; amending s. 316.003, F.S.; revising the definitions of "motor vehicle," "motorcycle," and "motorized scooter"; defining "miniature motorcycle" and "full mount"; revising the definition of "saddle mount" to provide for a full mount; amending s. 316.211, F.S.; requiring motorcycles registered to certain persons to display a license plate that is unique in design and color; providing penalties; creating s. 316.2123, F.S.; providing for all-terrain vehicle operation under certain conditions; requiring the operator to provide proof of ownership to a law enforcement officer; creating s. 316.2128, F.S.; prohibiting use of motorized scooters and miniature motorcycles on public roads and sidewalks; requiring the operator to possess proof of ownership; prohibiting causing or allowing a child or ward to operate a motorized scooter or miniature motorcycle on public roads or sidewalks or without proof of ownership; providing penalties; providing requirements for commercial sale of motorized scooters and miniature motorcycles; providing that a violation of the commercial sales requirements is an unfair and deceptive trade practice; amending s. 316.221, F.S.; providing an exemption from certain taillamp requirements for dump trucks and vehicles with dump bodies; amending s. 316.302, F.S.; updating reference to federal commercial motor vehicle regulations; revising hours-of-service requirements for certain intrastate motor carriers; revising conditions for an exemption from commercial driver license requirements; revising weight requirements for application of certain exceptions to specified federal regulations and to operation of certain commercial motor vehicles by persons of a certain age; amending s. 316.515, F.S.; authorizing certain uses of forestry equipment; providing width and speed limitations; requiring such vehicles to be operated in accordance with specified safety requirements; revising length and mount requirements for automobile towaway and driveway operations; authorizing saddle mount combinations to include one full mount; amending s.

318.1215, F.S.; increasing the amount of a local option surcharge on traffic penalties; amending s. 318.14, F.S.; providing exceptions to procedures for certain speed limit violations; removing the option for certain offenders to attend driver improvement school; amending s. 318.18, F.S.; providing increased penalties for certain speed limit violations and violations of vehicle load requirements; defining "conviction" for specified purposes; amending s. 318.19, F.S.; requiring mandatory hearings for certain speed limit violations; amending s. 319.14, F.S.; revising definition of "police vehicle" for purpose of resale or exchange; amending s. 320.02, F.S.; requiring proof of required endorsement on a driver license as a condition for original registration of a motorcycle, motor-driven cycle, or moped; amending s. 320.0706, F.S.; revising license display requirements for dump trucks; amending s. 320.089, F.S.; providing for Operation Iraqi Freedom and Operation Enduring Freedom license plates for qualified military personnel; amending s. 320.27, F.S.; revising motor vehicle dealer licensing requirements; revising the definition of "motor vehicle" to provide an exception for certain low-speed vehicles; revising conditions for license renewal for certain independent dealers; removing certain training provisions; correcting terminology; correcting a cross-reference; amending s. 320.405, F.S.; authorizing the department to enter into certain agreements to schedule payments to settle certain liabilities under the International Registration Plan; amending s. 322.01, F.S.; revising the definition of "driver's license"; defining "identification card," "temporary driver's license," and "temporary identification card"; amending s. 322.051, F.S.; revising the age requirement for issuance of an identification card; revising criteria for proof of the identity and status of an applicant for an identification card; revising the period of issuance for certain temporary identification cards; amending s. 322.08, F.S.; revising criteria for proof of the identity and status of an applicant for a driver license; revising the period of issuance for certain temporary driver licenses or permits; amending s. 322.12, F.S.; requiring all first-time applicants for licensure to operate a motorcycle to provide proof of completion of a motorcycle safety course; amending s. 322.121, F.S.; revising periodic license examination requirements; providing for such testing of applicants for renewal of a license under provisions requiring an endorsement permitting the applicant to operate a tank vehicle transporting hazardous materials; amending s. 322.142, F.S.; providing authority for driver license digital images and signatures to be reproduced and provided to supervisors of elections for certain purposes; amending s. 322.2615, F.S.; revising provisions for suspension of driver licenses and review of suspension by the department; revising criteria for notice of the suspension; providing that certain materials shall be considered self-authenticating and available to a hearing officer; revising authority of the hearing officer to subpoena and question witnesses; removing provision for the department and the person arrested to subpoena witnesses; providing for appeal by a law enforcement agency of a department decision invalidating a suspension; providing that the court review may not be used in a trial for driving under the influence; amending s. 322.27, F.S.; providing for an increase in driver license points assessed for certain speed limit violations and for traffic control signal device violations resulting in a crash; defining "conviction" for specified purposes; providing effective dates.

The State Infrastructure Council recommended the following:

HB 7079 CS—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 207.008, F.S.; revising requirements for motor carriers to retain certain records as required by the Department of Highway Safety and Motor Vehicles for tax purposes; amending s. 207.021, F.S.; authorizing the department to adopt rules establishing informal conferences to resolve disputes with motor carriers arising from the assessment of taxes, penalties, or interest or the denial of refunds; specifying certain rights of the motor carrier; providing for closing agreements to settle or compromise the taxpayer's liability; providing conditions for settlement or compromise; authorizing installment payment to settle liability; amending s. 261.10, F.S.; limiting liability of state agencies, water management districts, counties, and municipalities, and officers and employees thereof; providing off-highway vehicle recreation areas; creating s. 261.20, F.S.; authorizing operation of off-highway vehicles on public lands; providing requirements for operation by certain minors; requiring

supervision, a certificate of completion of a safety education course, and certain safety equipment; providing exceptions; requiring approval by the Department of Agriculture and Consumer Services of the courses; requiring certain equipment on off-highway vehicles; providing for exceptions to equipment requirements by rule of the department; prohibiting certain acts; providing penalties; providing exemptions; amending s. 316.003, F.S.; revising the definition of "saddle mount" to provide for a full mount; amending s. 316.0085, F.S.; revising provisions for risks of certain activities on government-owned property to include mountain and off-road bicycling; revising definitions; providing for limitations on liability of the governmental entity; providing exceptions to the limitations; providing for assumption of risks by the person engaged in the activity; providing responsibilities of the participants; amending s. 316.1001, F.S.; revising procedures for disposition of citations issued for failure to pay a toll; providing for violations involving leased vehicles; amending s. 316.1955, F.S.; providing for responsibility for certain parking violations involving leased vehicles; amending s. 316.2015, F.S.; revising restrictions on riding on the exterior of a vehicle; removing an exception; providing exceptions to restrictions on riding in areas of a vehicle not intended for passengers; prohibiting certain minors from riding in the open body of certain trucks on limited access highways; providing exceptions; providing for a county governing body to exempt the county from the prohibition; providing penalties; amending s. 316.2095, F.S.; deleting a requirement that certain motorcycles be equipped with passenger handholds; amending s. 316.211, F.S.; requiring motorcycles registered to certain persons to display a license plate that is unique in design and color; providing penalties; creating s. 316.2123, F.S.; prohibiting operation of all-terrain vehicles on public roads and streets; providing an exception for operation on described roadways; providing conditions; requiring the operator to provide proof of ownership to a law enforcement officer; providing for a local government to restrict such operation; amending s. 316.2125, F.S.; providing for a local governmental entity to enact an ordinance regarding golf cart operation and equipment that is more restrictive than specified provisions; limiting application of such ordinance to unlicensed drivers; creating s. 316.2128, F.S.; providing notice requirements for commercial sale of motorized scooters and miniature motorcycles; providing a definition; providing that a violation of the notice requirements is an unfair and deceptive trade practice; amending s. 316.221, F.S.; providing an exemption from certain taillamp requirements for dump trucks and vehicles with dump bodies; amending s. 316.302, F.S.; updating reference to federal commercial motor vehicle regulations; revising hours-of-service requirements for certain intrastate motor carriers; revising conditions for an exemption from commercial driver license requirements; revising weight requirements for application of certain exceptions to specified federal regulations and to operation of certain commercial motor vehicles by persons of a certain age; amending s. 316.515, F.S.; authorizing the Department of Transportation to issue overweight permits for certain implements of husbandry; authorizing certain uses of forestry equipment; providing width and speed limitations; requiring such vehicles to be operated during daylight hours and in accordance with specified safety requirements; revising length and mount requirements for automobile towaway and driveaway operations; authorizing saddle mount combinations to include one full mount; requiring saddle mount combinations to comply with specified safety regulations; amending s. 318.14, F.S.; providing exceptions to procedures for disposition of citations for certain traffic violations; removing the option for certain offenders to attend driver improvement school; amending s. 318.143, F.S.; revising provisions for court-imposed sanctions on a minor for specified traffic violations; authorizing a court to require a minor and his or her parents or guardian to participate in a registered youthful driver monitoring service; creating s. 318.1435, F.S.; providing for youthful driver monitoring services; providing for registration with the Department of Highway Safety and Motor Vehicles; amending s. 318.18, F.S.; revising penalty provisions to provide for certain criminal penalties; providing increased penalties for certain speed limit violations; defining "conviction" for specified purposes; increasing penalties for violations of vehicle load requirements; imposing a surcharge to be paid for specified traffic-related criminal offenses and all noncriminal moving traffic violations; providing for the proceeds of the surcharge to be used for the state agency law enforcement radio system; amending s. 318.19, F.S.;

requiring mandatory hearings for certain speed limit violations; amending s. 318.21, F.S.; revising provisions for disposition of civil penalties to provide for distribution of a specified surcharge; amending s. 318.32, F.S.; revising the powers of civil traffic infraction hearing officers; amending s. 319.14, F.S.; revising definition of "police vehicle" for purpose of resale or exchange; amending s. 320.02, F.S.; requiring proof of required endorsement on a driver license as a condition for original registration of a motorcycle, motor-driven cycle, or moped; amending s. 320.03, F.S.; revising the requirement to withhold issuance of a license plate or revalidation sticker from certain persons to exempt the owner of a leased vehicle when that vehicle is registered in the name of the lessee; amending s. 320.07, F.S.; providing for responsibility for certain registration violations when the motor vehicle involved is leased and registered in the name of the lessee; amending s. 320.0706, F.S.; revising requirements for display of license plates; providing display requirements for dump trucks; prohibiting display in such a manner that the letters and numbers and their proper sequence are not readily identifiable; amending s. 320.08056, F.S.; establishing an annual use fee for the Future Farmers of America license plate; amending s. 320.08058, F.S.; revising provisions for distribution of revenues received from the sale of Sportsmen's National Land Trust license plates; creating the Future Farmers of America license plate and providing for use of funds received from the sale of the plates; amending s. 320.0807, F.S.; providing for license plates for legislative presiding officers; amending s. 320.089, F.S.; providing for Operation Iraqi Freedom and Operation Enduring Freedom license plates for qualified military personnel; amending s. 320.27, F.S.; revising motor vehicle dealer licensing requirements; revising certain training provisions; correcting terminology; correcting a cross-reference; providing for denial, suspension, or revocation of a license for failure to register a mobile home salesperson; amending s. 320.405, F.S.; authorizing the department to enter into agreements to schedule payments to settle certain liabilities under the International Registration Plan; amending s. 320.77, F.S.; revising mobile home dealer license requirements; defining "mobile home salesperson"; requiring licensees to register salespersons; providing registration criteria and procedures; requiring the licensee to report salesperson separation from employment to the department; amending s. 320.781, F.S.; revising criteria for use of funds in the Mobile Home and Recreational Vehicle Protection Trust Fund to settle a judgment or claim against a mobile home or recreational vehicle dealer or broker for damages, restitution, or expenses; revising conditions for filing a claim and for receiving payment; revising application provisions; amending s. 320.8325, F.S.; requiring that modular homes be allowed to be sited wherever mobile homes are allowed; amending s. 322.01, F.S.; revising the definition of "driver's license"; defining "identification card," "temporary driver's license," and "temporary identification card"; amending s. 322.05, F.S.; revising requirements for a person who has not attained 18 years of age to be issued a driver license; amending s. 322.051, F.S.; revising the age requirement for issuance of an identification card; revising criteria for proof of the identity and status of an applicant for an identification card; revising the period of issuance for certain temporary identification cards; amending s. 322.08, F.S.; revising criteria for proof of the identity and status of an applicant for a driver license; revising the period of issuance for certain temporary driver licenses or permits; amending s. 322.12, F.S.; requiring all first-time applicants for licensure to operate a motorcycle to provide proof of completion of a motorcycle safety course; amending s. 322.121, F.S.; revising periodic license examination requirements; providing for such testing of applicants for renewal of a license under provisions requiring an endorsement permitting the applicant to operate a tank vehicle transporting hazardous materials; amending s. 322.2615, F.S.; revising provisions for suspension of driver licenses and review of suspension by the department; revising procedures; revising terms of suspension; revising validity of temporary permit issued; revising criteria for notice of the suspension; revising requirements for information provided by the officer to the department; providing that certain materials shall be considered self-authenticating and available to a hearing officer; revising authority of the hearing officer to subpoena and question witnesses; revising provisions for review of the suspension; removing provision for the department and the person arrested to subpoena witnesses; revising provisions for the scope of a review of the suspension; revising duties of the department upon a

determination by the hearing officer; revising provisions for issuance of a license for business or employment purposes only; providing for appeal by a law enforcement agency of a department decision invalidating a suspension; providing that the court review may not be used in a trial for driving under the influence; amending s. 322.27, F.S.; providing for an increase in driver license points assessed for certain speed limit violations and for traffic control signal device violations resulting in a crash; defining "conviction" for specified purposes; providing effective dates.

—was read the second time by title.

Representative(s) Evers offered the following:

(Amendment Bar Code: 089349)

Amendment 1 (with title amendment)—Remove line(s) 1266-1299 and insert:

Section 22. Section 318.19, Florida Statutes, is amended to read:

318.19 Infractions requiring a mandatory hearing.--Any person cited for the infractions listed in this section shall not have the provisions of s. 318.14(2), (4), and (9) available to him or her but must appear before the designated official at the time and location of the scheduled hearing:

- (1) Any infraction which results in a crash that causes the death of another;
- (2) Any infraction which results in a crash that causes "serious bodily injury" of another as defined in s. 316.1933(1);
- (3) Any infraction of s. 316.172(1)(b); ~~or~~
- (4) Any infraction of s. 316.520(1) or (2); or
- (5) Any infraction of s. 316.183(2), s. 316.187, or s. 316.189 of exceeding the speed limit by 30 miles per hour or more.

===== T I T L E A M E N D M E N T =====

Remove line(s) 112-120 and insert:

vehicle load requirements; amending s. 318.19, F.S.; requiring mandatory hearings for certain speed limit violations; amending s. 318.32,

Rep. Evers moved the adoption of the amendment, which was adopted.

Representative(s) Evers offered the following:

(Amendment Bar Code: 173197)

Amendment 2 (with title amendment)—Remove line(s) 1312-1358.

===== T I T L E A M E N D M E N T =====

Remove line(s) 122-124 and insert:

hearing officers; amending s. 320.02, F.S.; requiring proof of

Rep. Evers moved the adoption of the amendment, which was adopted.

Representative(s) Evers offered the following:

(Amendment Bar Code: 784719)

Amendment 3 (with title amendment)—Remove line(s) 1956-1965.

===== T I T L E A M E N D M E N T =====

Remove line(s) 171-172.

Rep. Evers moved the adoption of the amendment, which was adopted.

Representative(s) Detert offered the following:

(Amendment Bar Code: 242373)

Amendment 4 (with title amendment)—Between lines 2459 and 2460 insert:

Section 47. Effective upon this act becoming a law, paragraph (a) of subsection (8) of section 320.08056, Florida Statutes, is amended to read:

320.08056 Specialty license plates.--

(8)(a) The department must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter shall be mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 1,000 plates. This paragraph does not apply to collegiate license plates established under s. 320.08058(3).

===== T I T L E A M E N D M E N T =====

Between line(s) 218 and 219 insert:

amending s. 320.08056, F.S.; exempting collegiate license plates from the requirement for maintaining a specified number of license plate registrations;

Rep. Detert moved the adoption of the amendment, which was adopted.

Representative(s) Jennings offered the following:

(Amendment Bar Code: 663353)

Amendment 5 (with title amendment)—Between line(s) 2459 and 2460, insert:

Section 47. Subsection (3) of section 316.172, Florida Statutes, is renumbered as subsection (4), and a new subsection (3) is added to that section to read:

316.172 Traffic to stop for school bus.--

(3) When a school bus is stopped with warning lights displayed and is discharging or loading passengers, the area of highway 500 linear feet in front of the bus and 500 linear feet behind the bus shall be considered a school bus stop zone. A person may not drive a vehicle on a roadway considered a school bus stop zone at a speed greater than that posted for that location. Violation of the speed limit within the school bus stop zone must be cited as a moving violation, punishable as provided in chapter 318.

Section 48. Paragraph (c) of subsection (3) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of civil penalties.--The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(3)

(c) Notwithstanding paragraph (b), a person cited for exceeding the speed limit by up to 5 m.p.h. in a legally posted school zone or school bus stop zone will be fined \$50. A person exceeding the speed limit in a school zone or school bus stop zone shall pay a fine double the amount listed in paragraph (b).

Section 49. This act may be cited as the "Mann Family Memorial Highway Safety Act."

===== T I T L E A M E N D M E N T =====

Between line(s) 218 and 219, insert:

amending s. 316.172, F.S.; providing for school bus stop zones; prohibiting exceeding the posted speed limit within such zones; providing penalties; amending s. 318.18, F.S.; providing a penalty for exceeding the posted speed limit in a school bus stop zone by a certain speed; providing a short title;

Rep. Evers moved the adoption of the amendment, which was adopted.

Representative(s) Evers offered the following:

(Amendment Bar Code: 068667)

Amendment 6 (with title amendment)—Between line(s) 2459 and 2460, insert:

Section 47. Paragraph (b) of subsection (2) and paragraph (b) of subsection (3) of section 316.006, Florida Statutes, are amended to read:

316.006 Jurisdiction.--Jurisdiction to control traffic is vested as follows:

(2) MUNICIPALITIES.--

(b) A municipality may exercise jurisdiction over any private road or roads, or over any limited access road or roads owned or controlled by a

special district, located within its boundaries if the municipality and party or parties owning or controlling such road or roads provide, by written agreement approved by the governing body of the municipality, for municipal traffic control jurisdiction over the road or roads encompassed by such agreement. Pursuant thereto:

1. Provision for reimbursement for actual costs of traffic control and enforcement and for liability insurance and indemnification by the party or parties, and such other terms as are mutually agreeable, may be included in such an agreement.

2. The exercise of jurisdiction provided for herein shall be in addition to jurisdictional authority presently exercised by municipalities under law, and nothing in this paragraph shall be construed to limit or remove any such jurisdictional authority. Such jurisdiction includes regulation of access to such road or roads by security devices or personnel.

3. Any such agreement may provide for the installation of multiparty stop signs by the parties controlling the roads covered by the agreement if a determination is made by such parties that the signage will enhance traffic safety. Multiparty stop signs must conform to the manual and specifications of the Department of Transportation; however, minimum traffic volumes may not be required for the installation of such signage. Enforcement for the signs shall be as provided in s. 316.123.

4. The board of directors of a homeowners' association as defined in chapter 720 may, by majority vote, elect to have state traffic laws enforced by local law enforcement agencies on private roads that are controlled by the association.

(3) COUNTIES.--

(b) A county may exercise jurisdiction over any private road or roads, or over any limited access road or roads owned or controlled by a special district, located in the unincorporated area within its boundaries if the county and party or parties owning or controlling such road or roads provide, by written agreement approved by the governing body of the county, for county traffic control jurisdiction over the road or roads encompassed by such agreement. Pursuant thereto:

1. Provision for reimbursement for actual costs of traffic control and enforcement and for liability insurance and indemnification by the party or parties, and such other terms as are mutually agreeable, may be included in such an agreement.

2. Prior to entering into an agreement which provides for enforcement of the traffic laws of the state over a private road or roads, or over any limited access road or roads owned or controlled by a special district, the governing body of the county shall consult with the sheriff. No such agreement shall take effect prior to October 1, the beginning of the county fiscal year, unless this requirement is waived in writing by the sheriff.

3. The exercise of jurisdiction provided for herein shall be in addition to jurisdictional authority presently exercised by counties under law, and nothing in this paragraph shall be construed to limit or remove any such jurisdictional authority.

4. Any such agreement may provide for the installation of multiparty stop signs by the parties controlling the roads covered by the agreement if a determination is made by such parties that the signage will enhance traffic safety. Multiparty stop signs must conform to the manual and specifications of the Department of Transportation; however, minimum traffic volumes may not be required for the installation of such signage. Enforcement for the signs shall be as provided in s. 316.123.

5. The board of directors of a homeowners' association as defined in chapter 720 may, by majority vote, elect to have state traffic laws enforced by local law enforcement agencies on private roads that are controlled by the association.

Section 48. Section 318.1215, Florida Statutes, is amended to read:

318.1215 Dori Slosberg Driver Education Safety Act.--~~Effective October 1, 2002~~; Notwithstanding the provisions of s. 318.121, a board of county commissioners may require, by ordinance, that the clerk of the court collect an additional \$5 ~~\$3~~ with each civil traffic penalty, which shall be used to fund driver education programs in public and nonpublic schools. The ordinance shall provide for the board of county commissioners to administer the funds, which shall be used for enhancement, and not replacement, of driver education program funds. The funds shall be used for direct educational expenses and

shall not be used for administration. Each driver education program receiving funds pursuant to this section shall require that a minimum of 30 percent of a student's time in the program be behind-the-wheel training. This section may be cited as the "Dori Slosberg Driver Education Safety Act."

Section 49. Subsection (2) of section 318.15, Florida Statutes, is amended to read:

318.15 Failure to comply with civil penalty or to appear; penalty.--

(2) After suspension of the driver's license and privilege to drive of a person under subsection (1), the license and privilege may not be reinstated until the person complies with all obligations and penalties imposed on him or her under s. 318.18 and presents to a driver license office a certificate of compliance issued by the court, together with a nonrefundable service charge of up to \$47.50 imposed under s. 322.29, or presents a certificate of compliance and pays the aforementioned service charge of up to \$47.50 to the clerk of the court or a driver licensing agent authorized in s. 322.135 ~~tax collector~~ clearing such suspension. Of the charge collected by the clerk of the court or driver licensing agent ~~the tax collector~~, \$10 shall be remitted to the Department of Revenue to be deposited into the Highway Safety Operating Trust Fund. Such person shall also be in compliance with requirements of chapter 322 prior to reinstatement.

Section 50. Paragraph (a) of subsection (8) of section 320.08056, Florida Statutes, is amended to read:

320.08056 Specialty license plates.--

(8)(a) The department must discontinue the issuance of an approved specialty license plate if the number of valid specialty plate registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter shall be mailed to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 1,000 plates. This paragraph does not apply to collegiate license plates established under s. 320.08058(3).

Section 51. Subsection (1) of section 322.02, Florida Statutes, is amended to read:

322.02 Legislative intent; administration.--

(1) The Legislature finds that over the past several years the department and individual county tax collectors have entered into contracts for the delivery of full and limited driver license services where such contractual relationships best served the public interest through state administration and enforcement and local government implementation. It is the intent of the Legislature that future interests and processes for developing and expanding the department's relationship with tax collectors and other county constitutional officers through contractual relationships for the delivery of driver license services be achieved through the provisions of this chapter, thereby serving best the public interest considering accountability, cost-effectiveness, efficiency, responsiveness, and high-quality service to the drivers in Florida.

Section 52. Subsection (10) is added to section 322.135, Florida Statutes, to read:

322.135 Driver's license agents.--

(10) The department may contract with any county constitutional officer to provide driver license services in the same manner as provided in this section in a county where the tax collector is not elected or elects not to provide driver license services.

Section 53. (1) The Department of Highway Safety and Motor Vehicles shall study the outsourcing of its driver license services and shall make recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2007. As used in this section, the term "outsourcing" means the process of contracting with an external service provider or other governmental agency to provide a service, in whole or in part, while the department retains the responsibility and accountability for the service.

(2) As part of its study, the department shall provide a description of the services to be outsourced. Types of issues for the department to consider must include, but need not be limited to:

(a) A detailed description of the service to be outsourced and a description and analysis of the department's current performance of the service.

(b) A cost-benefit analysis describing the estimated specific direct and indirect costs or savings; performance improvements, including reduced wait

times at driver license offices; risks; and qualitative and quantitative benefits involved in or resulting from outsourcing the service. The cost-benefit analysis must include a detailed plan and timeline identifying all actions that must be implemented to realize the expected benefits.

(c) A statement of the potential effect on applicable federal, state, and local revenues and expenditures. The statement must specifically describe the effect on general revenue, trust funds, general revenue service charges, and interest on trust funds, together with the potential direct or indirect effect on federal funding and cost allocations.

(d) A plan to ensure compliance with public records law.

(e) A transition and implementation plan for addressing changes in the number of department personnel, affected business processes, and employee-transition issues. Such a plan must also specify the mechanism for continuing the operation of the service if the contractor fails to perform or comply with the performance standards and provisions of the contract. Within this plan, the department shall identify all resources, including full-time equivalent positions, that are subject to outsourcing.

===== TITLE AMENDMENT =====

Between line(s) 218 and 219, insert:

amending s. 316.006, F.S.; authorizing the board of directors of a homeowner's association to provide for local law enforcement agencies to enforce state traffic laws on private roads that are controlled by the association; amending s. 318.1215, F.S.; increasing the amount of a local option surcharge on traffic penalties; amending s. 318.15, F.S.; providing for the collection of certain service charges by authorized driver licensing agents; amending s. 320.08056, F.S.; exempting collegiate license plates from the requirement for maintaining a specified number of license plate registrations; amending s. 322.02, F.S.; revising legislative intent provisions to include references to county constitutional officers providing driver licensing services; amending s. 322.135, F.S.; authorizing the department to contract with any county constitutional officer for driver license services in counties where the tax collector is not elected or does not provide the services; directing the department to study the outsourcing of its driver license services to a provider or other governmental agency, in whole or in part, while retaining responsibility and accountability for the services; requiring that the department submit a report to the Governor and Legislature by a specified date; providing requirements for the department with respect to issues to be included in the study; requiring a cost-benefit analysis and a transition and implementation plan;

Rep. Evers moved the adoption of the amendment.

On motion by Rep. Evers, by the required two-thirds vote, the House agreed to consider a late-filed amendment to the amendment. Subsequently, the amendment to the amendment was withdrawn.

On motion by Rep. Evers, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representative(s) Evers offered the following:

(Amendment Bar Code: 950921)

Amendment 1 to Amendment 6 (with title amendment)—Between line(s) 150 and 151, insert:

Section 53. Subsection (1) of section 627.733, Florida Statutes, is amended to read:

627.733 Required security.--

(1)(a) Every owner or registrant of a motor vehicle, other than a motor vehicle used as a ~~taxicab~~, school bus as defined in s. 1006.25, or limousine, required to be registered and licensed in this state shall maintain security as required by subsection (3) in effect continuously throughout the registration or licensing period.

(b) Every owner or registrant of a motor vehicle used as a taxicab shall maintain security as required under s. 324.032(1).

Section 54. Subsection (1) of section 324.032, Florida Statutes, is amended to read:

324.032 Manner of proving financial responsibility; for-hire passenger transportation vehicles.--Notwithstanding the provisions of s. 324.031:

(1)(a) A person who is either the owner or a lessee required to maintain insurance under s. 627.733(1)(b) ~~s. 324.021(9)(b)~~ and who operates one or more taxicabs, limousines, jitneys, or any other for-hire passenger transportation vehicles may prove financial responsibility by furnishing satisfactory evidence of holding a motor vehicle liability policy ~~as defined in s. 324.031~~, but with minimum limits of \$125,000/250,000/50,000.

(b) A person who is either the owner or a lessee required to maintain insurance under s. 324.021(9)(b) and who operates limousines, jitneys, or any other for-hire passenger vehicles, other than taxicabs, may prove financial responsibility by furnishing satisfactory evidence of holding a motor vehicle liability policy as defined in s. 324.031.

Upon request by the department, the applicant must provide the department at the applicant's principal place of business in this state access to the applicant's underlying financial information and financial statements that provide the basis of the certified public accountant's certification. The applicant shall reimburse the requesting department for all reasonable costs incurred by it in reviewing the supporting information. The maximum amount of self-insurance permissible under this subsection is \$300,000 and must be stated on a per-occurrence basis, and the applicant shall maintain adequate excess insurance issued by an authorized or eligible insurer licensed or approved by the Office of Insurance Regulation. All risks self-insured shall remain with the owner or lessee providing it, and the risks are not transferable to any other person, unless a policy complying with subsection (1) is obtained.

===== TITLE AMENDMENT =====

Remove line(s) 212 and insert:

not provide the services; amending s. 627.733, F.S.; revising security requirements for certain vehicles; amending s. 324.032, F.S.; revising financial responsibility requirements for certain for-hire vehicles; directing the department to

Rep. Evers moved the adoption of the amendment to the amendment.

Further consideration of **HB 7079**, with pending amendments, was temporarily postponed.

HB 7253—A bill to be entitled An act relating to growth management; amending s. 163.3177, F.S.; deleting a requirement that the entire comprehensive plan be financially feasible; specifying limitations on challenges to certain changes in a 5-year schedule of capital improvements; authorizing local governments to continue adopting land use plan amendments during challenges to the plan; amending s. 163.3180, F.S.; providing that certain local governments are concurrent with an adopted transportation improvements plan notwithstanding certain improvements not being concurrent; providing for a waiver of transportation facilities concurrency requirements for certain urban infill, redevelopment, and downtown revitalization areas and certain built-out municipalities; requiring local governments and the Department of Transportation to establish a plan for maintaining certain level-of-service standards; providing requirements for the waiver for such built-out municipalities; exempting certain municipalities from certain transportation concurrency requirements; deleting record-keeping and reporting requirements related to transportation de minimis impacts; providing that school capacity is not a basis for finding a comprehensive plan amendment not in compliance; deleting a requirement to incorporate the school concurrency service areas and criteria and standards for establishment of the service areas into the local government comprehensive plan; amending s. 163.3187, F.S.; authorizing approval of certain small scale amendments to a comprehensive plan for certain built-out municipalities; providing criteria, requirements, and procedures; providing for nonapplication under certain circumstances; amending s. 163.3247, F.S.; assigning the Century Commission for a Sustainable Florida to the Department of Community Affairs for administrative and fiscal accountability purposes; requiring the

commission to develop a budget; providing budget requirements; amending s. 339.2819, F.S.; revising criteria for matching funds for the Transportation Regional Incentive Program; amending s. 380.06, F.S.; revising an exemption from development of regional impact review for certain developments within an urban service boundary; limiting development-of-regional-impact review of certain urban service boundaries, urban infill and redevelopment areas, and rural land stewardship areas to transportation impacts only under certain circumstances; providing an effective date.

The State Infrastructure Council recommended the following:

HB 7253 CS—A bill to be entitled An act relating to growth management; amending s. 163.3177, F.S.; deleting a requirement that the entire comprehensive plan be financially feasible; specifying limitations on challenges to certain changes in a 5-year schedule of capital improvements; authorizing local governments to continue adopting land use plan amendments during challenges to the plan; amending s. 163.3180, F.S.; providing for a waiver of transportation facilities concurrency requirements for certain urban infill, redevelopment, and downtown revitalization areas and certain built-out municipalities; requiring local governments and the Department of Transportation to establish a plan for maintaining certain level-of-service standards; providing requirements for the waiver for such built-out municipalities; exempting certain areas from certain transportation concurrency requirements; deleting recordkeeping and reporting requirements related to transportation de minimis impacts; providing that school capacity is not a basis for finding a comprehensive plan amendment not in compliance; deleting a requirement to incorporate the school concurrency service areas and criteria and standards for establishment of the service areas into the local government comprehensive plan; amending s. 163.3187, F.S.; authorizing approval of certain small scale amendments to a comprehensive plan for certain built-out municipalities; providing criteria, requirements, and procedures; providing for nonapplication under certain circumstances; amending s. 163.3247, F.S.; authorizing the Century Commission for a Sustainable Florida to appoint four additional members to the commission; providing for member terms; providing guidance as to the makeup of the commission; assigning the Century Commission for a Sustainable Florida to the Department of Community Affairs for administrative and fiscal accountability purposes; requiring the commission to develop a budget; providing budget requirements; amending s. 177.091, F.S.; revising requirements as to when permanent reference monuments must be set; amending s. 339.2819, F.S.; revising criteria for matching funds for the Transportation Regional Incentive Program; amending s. 380.06, F.S.; revising an exemption from development of regional impact review for certain developments within an urban service boundary; limiting development-of-regional-impact review of certain urban service boundaries, urban infill and redevelopment areas, and rural land stewardship areas to transportation impacts only under certain circumstances; providing legislative findings; requiring the Department of Transportation to conduct a study of per-trip fees on certain transportation facilities for certain purposes; providing study criteria; requiring a report to the Governor and Legislature; providing an appropriation; providing an effective date.

—was read the second time by title.

On motion by Rep. Johnson, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative(s) Johnson offered the following:

(Amendment Bar Code: 640457)

Amendment 1—Remove line(s) 428-468, and insert:

Section 4. Paragraph (a) of subsection (3) of section 163.3247, Florida Statutes, is amended to read:

163.3247 Century Commission for a Sustainable Florida.--

(3) CENTURY COMMISSION FOR A SUSTAINABLE FLORIDA; CREATION; ORGANIZATION.--The Century Commission for a Sustainable Florida is created as a standing body to help the citizens of this

state envision and plan their collective future with an eye towards both 25-year and 50-year horizons.

(a) The commission shall consist of 15 members, 5 appointed by the Governor, 5 appointed by the President of the Senate, and 5 appointed by the Speaker of the House of Representatives. Appointments shall be made no later than October 1, 2005. The membership must represent local governments, school boards, developers and homebuilders, the business community, the agriculture community, the environmental community, and other appropriate stakeholders. The membership shall reflect the demographic makeup of the state. One member shall be designated by the Governor as chair of the commission. Any vacancy that occurs on the commission must be filled in the same manner as the original appointment and shall be for the unexpired term of that commission seat. Members shall serve 4-year terms, except that, initially, to provide for staggered terms, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall each appoint one member to serve a 2-year term, two members to serve 3-year terms, and two members to serve 4-year terms. All subsequent appointments shall be for 4-year terms. An appointee may not serve more than 6 years.

===== TITLE AMENDMENT =====

Remove line(s) 34-41, and insert:
providing a requirement on the makeup of the Century Commission for a Sustainable Florida; amending

Rep. Johnson moved the adoption of the amendment, which was adopted.

Representative Llorente offered the following:

(Amendment Bar Code: 814519)

Amendment 2 (with title amendment)—Remove lines 469-495 and insert:

===== TITLE AMENDMENT =====

Remove line(s) 41-43 and insert:
develop a budget; providing budget requirements; amending s.

Rep. Llorente moved the adoption of the amendment, which was adopted.

Representative Domino offered the following:

(Amendment Bar Code: 624085)

Amendment 3 (with title amendment)—Between lines 582 and 583, insert:

Section 10. The Legislative Committee on Intergovernmental Relations shall conduct a study regarding the amendment of Article VII, Section 4 of the State Constitution to provide for assessment of new homestead property at less than just value if purchased within 1 year after the sale of homestead property. The Department of Revenue and all other state agencies shall provide data and support as requested by the committee for the purpose of producing the study. All local governments are encouraged to assist and cooperate with the committee as necessary. A report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2006.

===== TITLE AMENDMENT =====

Remove line 57 and insert:
appropriation; requiring the Legislative Committee on Intergovernmental Relations to conduct a study regarding the constitutional effect of providing for the assessment of new homestead property at less than just value if purchased within 1 year after the sale of homestead property; requiring provision of data and support by the Department of Revenue and all other state agencies; encouraging cooperation and assistance from local governments; requiring a report to the Governor and Legislature; providing an effective date.

Rep. Domino moved the adoption of the amendment.

Point of Order

Rep. Brummer raised a point of order, under Rule 12.8, that the amendment was not germane.

Rep. Goodlette, Chair of the Rules & Calendar Council, in speaking to the point of order on Amendment 3 to HB 7253 stated that he agreed with Rep. Brummer that Amendment 3 was unrelated to the pending question and recommended that the point be well taken.

The Chair [Rep. Russell], upon the recommendation of Rep. Goodlette, Chair of the Rules & Calendar Council, ruled the point well taken and the amendment out of order.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 999—A bill to be entitled An act relating to suicide prevention; providing legislative intent; providing for a pilot program to be conducted by the Signs of Suicide Prevention Program for secondary schools in specified counties; requiring the submission of proposals to the Department of Education; providing for student participation in the pilot program and for the provision of certain information to parents; requiring a report to the Legislature; providing an appropriation; providing an effective date.

The Education Council recommended the following:

HB 999 CS—A bill to be entitled An act relating to suicide prevention; providing for a pilot program to be conducted by the Signs of Suicide Prevention Program for secondary schools in specified counties; requiring the submission of proposals to the Department of Education; providing for student participation in the pilot program and for the provision of certain information to parents and legal guardians; requiring a report to the Legislature; requiring implementation of the pilot program to be contingent upon state funding and equivalent matching funds; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 241—A bill to be entitled An act relating to the Florida KidCare program; amending s. 409.814, F.S.; authorizing eligibility for coverage in the Florida KidCare program for additional categories of children; providing an effective date.

The Health Care General Committee recommended the following:

HB 241 CS—A bill to be entitled An act relating to the Florida KidCare program; amending s. 409.814, F.S.; providing for certain children who are ineligible to participate in the Florida KidCare program to be eligible for the Medikids program or the Florida Healthy Kids program; requiring that the Agency for Health Care Administration begin enrollment under the revised program criteria by a specified date; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

Motion

On motion by Rep. Goodlette, the House agreed to take up HB 173 for consideration.

HB 173—A bill to be entitled An act relating to construction contracts; creating s. 627.442, F.S.; authorizing certain parties to a construction contract to accept or reject certain insurance policies or certificates under certain circumstances; providing construction for acceptance of such insurance policies or certificates under certain circumstances; providing for unenforceability of certain contract provisions under certain circumstances; prohibiting certain parties to a construction contract from rejecting or withholding payment for certain work performed or materials provided under

a construction contract under certain circumstances; providing an effective date.

The Commerce Council recommended the following:

HB 173 CS—A bill to be entitled An act relating to construction contracts; creating s. 627.442, F.S.; authorizing a prime contractor or subcontractor to reject certain insurance policies or certificates of insurance required by a construction contract as not evidencing insurance conforming with contract requirements; providing requirements, procedures, and limitations on such rejection; providing definitions; providing limitations on payments for labor, services, or materials supplied and lien or payment bond claims for labor, services, or materials supplied under certain circumstances; specifying additional circumstances for rejection of certain insurance policies or certificates of insurance required by a construction contract as not evidencing insurance conforming with contract requirements; providing construction relating to tolling certain time periods for filing certain claims; specifying nonapplication of construction contract insurance provisions under certain circumstances; providing construction; providing for application to certain contracts; creating s. 627.443, F.S.; prohibiting certain persons from requiring workers' compensation policies to be issued by certain entities under certain circumstances; providing an effective date.

—was read the second time by title.

Representative(s) Ross offered the following:

(Amendment Bar Code: 775357)

Amendment 1 (with title amendment)—Remove everything after the enacting clause, and insert:

Section 1. Section 627.442, Florida Statutes, is created to read:

627.442 Construction contract insurance provisions; acceptance, rejection, or application.--

(1) If a written construction contract requires a subcontractor, sub-subcontractor, or materialman to provide an insurance policy or certificate of insurance to the general contractor or another subcontractor for work performed or materials provided, which extends coverage rights to an additional insured, the general contractor or subcontractor is deemed to have accepted the insurance policy or certificate of insurance as conforming to the written construction contract unless the general contractor or subcontractor rejects the insurance policy or certificate of insurance in writing within 30 business days for commercial construction projects and 7 business days for residential construction projects after receipt of the insurance policy or certificate of insurance. The written rejection must specify the reason for rejection. However, the general contractor or subcontractor may not be deemed to have accepted an insurance policy or certificate of insurance that does not comply with the insurance coverage limits specified in the construction contract, that was knowingly and fraudulently altered, or does not accurately reflect the coverages contained in the policy in force.

(2) After a general contractor or subcontractor accepts an insurance policy or certificate of insurance or is deemed to have accepted the insurance policy or certificate of insurance, an owner, general contractor, or subcontractor may not use the lack of conforming insurance as a reason to reject work previously completed by a subcontractor or sub-subcontractor, reject materials previously supplied by a materialman, or withhold payment for work previously completed or materials previously supplied. However, the general contractor or subcontractor may reject work previously completed or materials previously supplied or withhold payment for such work or materials if the policy or certificate provided by the subcontractor, sub-subcontractor, or materialman:

(a) Does not comply with the insurance coverage limits specified in the construction contract;

(b) Was knowingly and fraudulently altered or does not accurately reflect the coverages contained in the policy in force; or

(c) Is canceled, nonrenewed, or materially and adversely altered such that the policy or certificate no longer satisfies contract requirements.

(3) Subsection (1) does not preclude a general contractor or subcontractor from rejecting as nonconforming an insurance policy or certificate of insurance previously accepted or deemed to have been accepted; however, such a rejection shall be in writing and shall specify the reason for rejection. A general contractor or subcontractor who rejects in writing an insurance policy or certificate of insurance as nonconforming and states the specific reason for such rejection may withhold payment for the work performed or materials supplied after the date of the rejection of the policy or certificate.

(4) This section shall not apply if at the time of the request for proposals or bids, or prior to the subcontractor, sub-subcontractor, or materialman commencing work or supplying materials under the construction contract, the general contractor or subcontractor provides a sample of an acceptable certificate of insurance or a one-page schedule accurately reflecting all insurance requirements which extend coverage rights to an additional insured for that contract to the subcontractor, sub-subcontractor, or materialman and the insurance provided by the subcontractor, sub-subcontractor, or materialman does not comply with the construction contract. A schedule or sample certificate of insurance issued under this subsection shall not be deemed to amend or modify the contract between the parties in any way or to waive any requirement of the contract unless the schedule or certificate expressly states that such an amendment, modification, or waiver is intended.

(5) For purposes of this section, term:

(a) "Residential construction project" means the construction, remodeling, repair, or improvement of a one-family, two-family, or three-family residence not exceeding two habitable stories above no more than one uninhabitable story, and accessory-use structures in connection therewith.

(b) "Commercial construction project" means any construction, remodeling, repair, or improvement that does not constitute a residential construction project.

(6) This section shall apply to contracts entered into on or after October 1, 2006.

Section 2. Effective July 1, 2006, section 627.443, Florida Statutes, is created to read:

627.443 Workers' compensation policy limitations.--Notwithstanding any other provision in this chapter, any person requiring a workers' compensation policy pursuant to a construction contract shall not require such policy to be issued by an insurer or self-insurance fund that is rated by a nationally recognized insurance rating service, provided the issuing insurer or self-insurance fund is subject to part V of chapter 631.

Section 3. Except as otherwise expressly provided in this act, this act shall take effect October 1, 2006.

===== TITLE AMENDMENT =====

Remove the entire title, and insert:

A bill to be entitled

An act relating to construction contracts; creating s. 627.442, F.S.; specifying acceptance of certain insurance provisions of a construction contract under certain circumstances; providing exceptions; prohibiting certain actions after acceptance of such provisions; providing an exception authorizing such actions under certain circumstances; authorizing contractors or subcontractors to reject certain accepted construction contract insurance provisions as nonconforming under certain circumstances; authorizing such contractors and subcontractors to withhold payment for work performed or materials supplied under certain circumstances; prohibiting rejecting certain policies of insurance on certain grounds; specifying nonapplication of construction contract insurance provisions under certain circumstances; providing construction; providing definitions; providing for application to certain contracts; creating s. 627.443, F.S.; prohibiting certain persons from requiring workers' compensation policies to be issued by certain entities under certain circumstances; providing effective dates.

Rep. Brown moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HB 7117—A bill to be entitled An act relating to sexual predators and offenders; amending s. 322.141, F.S.; requiring distinctive markings for

driver's licenses and identification cards issued to persons who are designated as sexual predators or subject to registration as sexual offenders; amending s. 322.212, F.S.; prohibiting the alteration of sexual predator or sexual offender markings on driver's licenses or identification cards, for which there are criminal penalties; amending s. 775.21, F.S.; requiring sexual predators to obtain a distinctive driver's license or identification card; amending s. 943.0435, F.S.; requiring sexual offenders to obtain a distinctive driver's license or identification card; amending s. 944.607, F.S.; requiring specified offenders who are under the supervision of the Department of Corrections but are not incarcerated to obtain a distinctive driver's license or identification card; amending s. 1012.465, F.S.; revising provisions relating to background screenings of certain noninstructional school district employees and other specified individuals; creating s. 1012.4561, F.S.; providing definitions; prohibiting authorized individuals who are designated as sexual predators, subject to registration as a sexual offenders, or who appear on the National Sex Offender Public Registry from being present on school grounds; providing criminal penalties; requiring authorized individuals working on school grounds to be subject to a check of Florida driver's licenses or identification cards for the purposes of ascertaining their sexual offender and sexual predator status and checked against the National Sex Offender Public Registry; providing duties for certain authorized individuals; providing penalties; allowing school superintendents on a case-by-case basis to require certain individuals to undergo a fingerprint-based background screening to meet specified standards; providing for submission of fingerprints; providing for fees; requiring creation of an electronic system for sharing screening results among school districts; providing for storage, use, and purging of fingerprints submitted for background checks; providing rulemaking authority to the Department of Law Enforcement; requiring certain individuals to report certain offenses; providing penalties; providing exceptions; providing that no provision of the section shall give rise to private civil liability or create a private cause of action for monetary damages; providing rulemaking authority to school boards; providing effective dates.

The Justice Council recommended the following:

HB 7117 CS—A bill to be entitled An act relating to sexual predators and offenders; amending s. 322.141, F.S.; requiring distinctive markings for driver's licenses and identification cards issued to persons who are designated as sexual predators or subject to registration as sexual offenders; providing procedures for offenders to obtain such licenses or identification cards; providing for initial issuance; providing for future repeal of a specified provision; amending s. 322.212, F.S.; prohibiting the alteration of sexual predator or sexual offender markings on driver's licenses or identification cards; providing criminal penalties; amending s. 775.21, F.S.; requiring sexual predators to obtain a distinctive driver's license or identification card; amending s. 943.0435, F.S.; requiring sexual offenders to obtain a distinctive driver's license or identification card; amending s. 944.607, F.S.; requiring specified offenders who are under the supervision of the Department of Corrections but are not incarcerated to obtain a distinctive driver's license or identification card; amending ss. 1002.33 and 1003.63, F.S.; revising cross-references; amending s. 1012.32, F.S.; revising provisions relating to background screening of school district personnel; revising provisions relating to fingerprints; providing procedures for periodic rescreening of certain personnel; amending s. 1012.465, F.S.; revising provisions relating to background screenings of certain noninstructional school district employees and other specified individuals; revising provisions relating to periodic rescreening of certain persons; creating s. 1012.4561, F.S.; providing definitions; prohibiting contract workers who are designated as sexual predators, subject to registration as a sexual offenders, or who appear on the National Sex Offender Public Registry from being present on school grounds; providing criminal penalties; requiring contract workers working on school grounds to be subject to a check of Florida driver's licenses or identification cards for the purposes of ascertaining their sexual offender and sexual predator status and checked against the National Sex Offender Public Registry; providing duties for certain contract workers; providing penalties; requiring certain individuals to report certain offenses; providing penalties; providing

exceptions; providing that no provision of the section shall give rise to private civil liability or create a private cause of action for monetary damages; providing rulemaking authority to school boards; amending s. 1012.56, F.S.; revising provisions relating to background rescreening for educator certification; revising provisions relating to periodic rescreening of such persons; providing an appropriation; providing effective dates.

—was read the second time by title.

On motion by Rep. Dean, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative Dean offered the following:

(Amendment Bar Code: 745877)

Amendment 1—Remove line 291-293 and insert:

(c) Persons subject to this subsection found through fingerprint processing to have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere to a crime involving moral turpitude or any offense set forth in s. 435.04 shall not be employed, engaged to

Rep. Dean moved the adoption of the amendment, which was adopted.

On motion by Rep. Dean, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative Dean offered the following:

(Amendment Bar Code: 205989)

Amendment 2—Remove line 358-364 and insert:

(1) For purposes of s. 1012.32, the following individuals ~~Noninstructional school district employees or contractual personnel who are permitted access on school grounds when students are present, who have direct contact with students or who have access to or control of school funds~~ must meet the level 2 screening standards in s. 435.04 and must not have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to a crime involving moral turpitude; requirements as described in s. 1012.32.

Rep. Dean moved the adoption of the amendment, which was adopted.

On motion by Rep. Dean, by the required two-thirds vote, the House agreed to consider the following late-filed amendment.

Representative Dean offered the following:

(Amendment Bar Code: 771467)

Amendment 3—Remove lines 525-532 and insert:

(a) For purposes of s. 1012.32, each person who seeks certification under this chapter must meet the level 2 screening standards of s. 435.04 ~~requirements as described in s. 1012.32~~ unless a level 2 screening has been conducted by a district school board or the Department of Education within 12 months before the date the person initially obtains certification under this chapter, the results of which are submitted to the district school board or to the Department of Education and must not have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to a crime involving moral turpitude.

Rep. Dean moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

Motion

On motion by Rep. Goodlette, the House agreed to take up HB 7079 for consideration.

HB 7079—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 207.008, F.S.; revising requirements for motor carriers to retain certain records as required by the Department of Highway Safety and Motor Vehicles for tax purposes; amending s. 207.021, F.S.; authorizing the department to adopt rules establishing informal conferences to resolve disputes with motor carriers arising from the assessment of taxes, penalties, or interest or the denial of refunds; specifying certain rights of the motor carrier; providing for closing agreements to settle or compromise the taxpayer's liability; providing conditions for settlement or compromise; authorizing installment payment to settle liability; amending s. 261.10, F.S.; limiting liability of state agencies, water management districts, counties, and municipalities, and officers and employees thereof, providing off-highway vehicle recreation areas; creating s. 261.20, F.S.; authorizing operation of off-highway vehicles on public lands; providing requirements for operation by certain minors; requiring supervision, a certificate of completion of a safety education course, and certain safety equipment; providing exceptions; requiring approval by the Department of Agriculture and Consumer Services of the courses; requiring certain equipment on off-highway vehicles; providing for exceptions to equipment requirements by rule of the department; prohibiting certain acts; providing penalties; providing exemptions; amending s. 316.003, F.S.; revising the definition of "saddle mount" to provide for a full mount; amending s. 316.0085, F.S.; revising provisions for risks of certain activities on government-owned property to include mountain and off-road bicycling; revising definitions; providing for limitations on liability of the governmental entity; providing exceptions to the limitations; providing for assumption of risks by the person engaged in the activity; providing responsibilities of the participants; amending s. 316.1001, F.S.; revising procedures for disposition of citations issued for failure to pay a toll; providing for violations involving leased vehicles; amending s. 316.1955, F.S.; providing for responsibility for certain parking violations involving leased vehicles; amending s. 316.2015, F.S.; revising restrictions on riding on the exterior of a vehicle; removing an exception; providing exceptions to restrictions on riding in areas of a vehicle not intended for passengers; prohibiting certain minors from riding in the open body of certain trucks on limited access highways; providing exceptions; providing for a county governing body to exempt the county from the prohibition; providing penalties; amending s. 316.2095, F.S.; deleting a requirement that certain motorcycles be equipped with passenger handholds; amending s. 316.211, F.S.; requiring motorcycles registered to certain persons to display a license plate that is unique in design and color; providing penalties; creating s. 316.2123, F.S.; prohibiting operation of all-terrain vehicles on public roads and streets; providing an exception for operation on described roadways; providing conditions; requiring the operator to provide proof of ownership to a law enforcement officer; providing for a local government to restrict such operation; amending s. 316.2125, F.S.; providing for a local governmental entity to enact an ordinance regarding golf cart operation and equipment that is more restrictive than specified provisions; limiting application of such ordinance to unlicensed drivers; creating s. 316.2128, F.S.; providing notice requirements for commercial sale of motorized scooters and miniature motorcycles; providing a definition; providing that a violation of the notice requirements is an unfair and deceptive trade practice; amending s. 316.221, F.S.; providing an exemption from certain taillamp requirements for dump trucks and vehicles with dump bodies; amending s. 316.302, F.S.; updating reference to federal commercial motor vehicle regulations; revising hours-of-service requirements for certain intrastate motor carriers; revising conditions for an exemption from commercial driver license requirements; revising weight requirements for application of certain exceptions to specified federal regulations and to operation of certain commercial motor vehicles by persons of a certain age; amending s. 316.515, F.S.; authorizing the Department of Transportation to issue overweight permits for certain implements of husbandry; authorizing certain uses of forestry equipment; providing width and speed limitations; requiring such vehicles to be operated during daylight hours and in accordance with specified safety requirements; revising length and mount requirements for automobile towaway and driveaway operations; authorizing saddle mount combinations to include one full mount; requiring saddle mount combinations to comply with specified safety regulations; amending s. 318.14,

F.S.; providing exceptions to procedures for disposition of citations for certain traffic violations; removing the option for certain offenders to attend driver improvement school; amending s. 318.143, F.S.; revising provisions for court-imposed sanctions on a minor for specified traffic violations; authorizing a court to require a minor and his or her parents or guardian to participate in a registered youthful driver monitoring service; creating s. 318.1435, F.S.; providing for youthful driver monitoring services; providing for registration with the Department of Highway Safety and Motor Vehicles; amending s. 318.18, F.S.; revising penalty provisions to provide for certain criminal penalties; providing increased penalties for certain speed limit violations; defining "conviction" for specified purposes; increasing penalties for violations of vehicle load requirements; imposing a surcharge to be paid for specified traffic-related criminal offenses and all noncriminal moving traffic violations; providing for the proceeds of the surcharge to be used for the state agency law enforcement radio system; amending s. 318.19, F.S.; requiring mandatory hearings for certain speed limit violations; amending s. 318.21, F.S.; revising provisions for disposition of civil penalties to provide for distribution of a specified surcharge; amending s. 318.32, F.S.; revising the powers of civil traffic infraction hearing officers; amending s. 319.14, F.S.; revising definition of "police vehicle" for purpose of resale or exchange; amending s. 320.02, F.S.; requiring proof of required endorsement on a driver license as a condition for original registration of a motorcycle, motor-driven cycle, or moped; amending s. 320.03, F.S.; revising the requirement to withhold issuance of a license plate or revalidation sticker from certain persons to exempt the owner of a leased vehicle when that vehicle is registered in the name of the lessee; amending s. 320.07, F.S.; providing for responsibility for certain registration violations when the motor vehicle involved is leased and registered in the name of the lessee; amending s. 320.0706, F.S.; revising requirements for display of license plates; providing display requirements for dump trucks; prohibiting display in such a manner that the letters and numbers and their proper sequence are not readily identifiable; amending s. 320.08056, F.S.; establishing an annual use fee for the Future Farmers of America license plate; amending s. 320.08058, F.S.; revising provisions for distribution of revenues received from the sale of Sportsmen's National Land Trust license plates; creating the Future Farmers of America license plate and providing for use of funds received from the sale of the plates; amending s. 320.0807, F.S.; providing for license plates for legislative presiding officers; amending s. 320.089, F.S.; providing for Operation Iraqi Freedom and Operation Enduring Freedom license plates for qualified military personnel; amending s. 320.27, F.S.; revising motor vehicle dealer licensing requirements; revising certain training provisions; correcting terminology; correcting a cross-reference; providing for denial, suspension, or revocation of a license for failure to register a mobile home salesperson; amending s. 320.405, F.S.; authorizing the department to enter into agreements to schedule payments to settle certain liabilities under the International Registration Plan; amending s. 320.77, F.S.; revising mobile home dealer license requirements; defining "mobile home salesperson"; requiring licensees to register salespersons; providing registration criteria and procedures; requiring the licensee to report salesperson separation from employment to the department; amending s. 320.781, F.S.; revising criteria for use of funds in the Mobile Home and Recreational Vehicle Protection Trust Fund to settle a judgment or claim against a mobile home or recreational vehicle dealer or broker for damages, restitution, or expenses; revising conditions for filing a claim and for receiving payment; revising application provisions; amending s. 320.8325, F.S.; requiring that modular homes be allowed to be sited wherever mobile homes are allowed; amending s. 322.01, F.S.; revising the definition of "driver's license"; defining "identification card," "temporary driver's license," and "temporary identification card"; amending s. 322.05, F.S.; revising requirements for a person who has not attained 18 years of age to be issued a driver license; amending s. 322.051, F.S.; revising the age requirement for issuance of an identification card; revising criteria for proof of the identity and status of an applicant for an identification card; revising the period of issuance for certain temporary identification cards; amending s. 322.08, F.S.; revising criteria for proof of the identity and status of an applicant for a driver license; revising the period of issuance for certain temporary driver licenses or permits; amending s. 322.12, F.S.; requiring all first-time applicants for licensure to operate a

motorcycle to provide proof of completion of a motorcycle safety course; amending s. 322.121, F.S.; revising periodic license examination requirements; providing for such testing of applicants for renewal of a license under provisions requiring an endorsement permitting the applicant to operate a tank vehicle transporting hazardous materials; amending s. 322.2615, F.S.; revising provisions for suspension of driver licenses and review of suspension by the department; revising procedures; revising terms of suspension; revising validity of temporary permit issued; revising criteria for notice of the suspension; revising requirements for information provided by the officer to the department; providing that certain materials shall be considered self-authenticating and available to a hearing officer; revising authority of the hearing officer to subpoena and question witnesses; revising provisions for review of the suspension; removing provision for the department and the person arrested to subpoena witnesses; revising provisions for the scope of a review of the suspension; revising duties of the department upon a determination by the hearing officer; revising provisions for issuance of a license for business or employment purposes only; providing for appeal by a law enforcement agency of a department decision invalidating a suspension; providing that the court review may not be used in a trial for driving under the influence; amending s. 322.27, F.S.; providing for an increase in driver license points assessed for certain speed limit violations and for traffic control signal device violations resulting in a crash; defining "conviction" for specified purposes; providing effective dates.

—was taken up, having been read the second time, and amended, earlier today; now pending on motion by Rep. Evers to adopt **Amendment 1 to Amendment 6**.

The question recurred on the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Evers, by the required two-thirds vote, the House agreed to consider the following late-filed amendment to the amendment.

Representative Evers offered the following:

(Amendment Bar Code: 062965)

Amendment 2 to Amendment 6—Remove line 115 and insert:

Section 50. Effective July 1, 2006, paragraph (a) of subsection (8) of section subsection (8) of section

Rep. Evers moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 6**, as amended, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

Motion

On motion by Rep. Goodlette, the rules were waived and HB 715 was added to the end of today's Special Order Calendar.

On motion by Rep. Gottlieb, consideration of **HB 987** was temporarily postponed.

HB 221—A bill to be entitled An act relating to paternity; permitting a sworn petition to set aside a determination of paternity prior to the child's 18th birthday; specifying contents of the petition; providing standards upon which relief shall be granted; providing remedies; providing that child support obligations shall not be suspended while a petition is pending; providing for genetic testing; providing for assessment of costs and attorney's fees; providing an effective date.

The Justice Council recommended the following:

HB 221 CS—A bill to be entitled An act relating to paternity; permitting a petition to set aside a determination of paternity or terminate a child support obligation; specifying contents of the petition; providing standards upon which relief shall be granted; providing remedies; providing that child support obligations shall not be suspended while a petition is pending; providing for scientific testing; providing for the amendment of the child's birth certificate; providing for assessment of costs and attorney's fees; repealing Rule 1.540, Florida Rules of Civil Procedure, relating to relief from judgment, decrees, or orders; providing a contingent effective date.

—was read the second time by title.

Representatives Quinones and Gannon offered the following:

(Amendment Bar Code: 755155)

Amendment 1 (with title amendment)—Remove lines 89-183 and insert:

(3) Notwithstanding subsection (2), a court may not set aside the paternity determination or child support order if it is not in the best interest of the child. For the purpose of determining the best interest of the child, the court shall consider and make written findings on each of the following factors, as applicable:

(a) The age of the child.

(b) The nature and quality of the current relationship between the petitioner and the child, including the love, affection, and emotional ties currently existing between the petitioner and the child.

(c) The nature, duration, and quality of the past relationship between the petitioner and the child, including the duration and frequency of any time periods during which the child and the petitioner resided in the same household or enjoyed a parent-child relationship.

(d) The nature, duration, and quality of the past relationship between the child and his or her biological father, including the duration and frequency of any time periods during which the child and the biological father resided in the same household or enjoyed a parent-child relationship.

(e) The nature and quality of the current relationship between the child and his or her biological father, including the love, affection, and emotional ties currently existing between the biological father and the child.

(f) The nature, duration, and quality of the past relationship between the child's mother and the child's biological father.

(g) The nature and quality of the current relationship between the child's mother and the child's biological father.

(h) The existence of siblings, including other children of the child's biological father.

(i) Whether the conduct of the child's mother has impaired the relationship between the petitioner and the child.

(j) Whether the conduct of the petitioner has impaired the ability to ascertain the identity of, or get support from, the biological father.

(k) The past and current willingness and ability of the child's mother to facilitate and encourage a close and continuing parent-child relationship between the child and the petitioner.

(l) The reasonable preference of the child, if the court deems the child to be of sufficient intelligence, understanding, and experience to express a preference under the circumstances.

(m) Any additional factors deemed by the court to be relevant to its determination of the best interest of the child.

(4) Notwithstanding subsection (2), a court shall not set aside the paternity determination or child support order if the male engaged in the following conduct after learning that he is not the biological father of the child:

(a) Married the mother of the child while known as the putative father in accordance with s. 742.091, Florida Statutes, and voluntarily assumed the parental obligation and duty to pay child support;

(b) Acknowledged his paternity of the child in a sworn statement;

(c) Consented to be named as the child's biological father on the child's birth certificate;

(d) Voluntarily promised in writing to support the child and was required to support the child based on that promise;

(e) Received and disregarded written notice from any state agency or any court directing him to submit to scientific testing; or

(f) Signed a voluntary acknowledgment of paternity as provided in s. 742.10(4), Florida Statutes.

(5) In the event the petitioner fails to make the requisite showing required by this section, the court shall deny the petition.

(6) In the event relief is granted pursuant to this section, relief shall be limited to the issues of prospective child support payments and termination of parental rights, custody, and visitation rights. The male's previous status as father continues to be in existence until the order granting relief is rendered. All previous lawful actions taken based on reliance on that status are confirmed retroactively but not prospectively. This section shall not be construed to create a cause of action to recover child support that was previously paid.

(7) The duty to pay child support and other legal obligations for the child shall not be suspended while the petition is pending except for good cause shown. However, the court may order the child support to be held in the registry of the court until final determination of paternity has been made.

(8)(a) In an action brought pursuant to this section, if the scientific test results submitted in accordance with paragraph (1)(b) are provided solely by the male ordered to pay child support, the court on its own motion may, and on the petition of any party shall, order the child and the male ordered to pay child support to submit to applicable scientific testing. The court shall provide that such scientific testing be completed no more than 30 days after the court issues its order.

(b) If the male ordered to pay child support willfully fails to submit to scientific testing or if the mother or legal guardian or custodian of the child willfully fails to submit the child for testing, the court shall issue an order determining the relief on the petition against the party so failing to submit to scientific testing. If a party shows good cause for failing to submit to testing, such failure shall not be considered willful. Nothing in this paragraph shall prevent the child from reestablishing paternity under s. 742.10, Florida Statutes.

(c) The party requesting applicable scientific testing shall pay any fees charged for the testing. If the custodian of the child is receiving services from an administrative agency in its role as an agency providing enforcement of child support orders, that agency shall pay the cost of the testing if it requests the testing and may seek reimbursement for the fees from the person against whom the court assesses the costs of the action.

(9) If relief on a petition filed in accordance with this section is granted, the clerk of the court shall, within 30 days after final disposition, forward to the Office of Vital Statistics of the Department of Health a certified copy of the court order or a report of the proceedings upon a form to be furnished by the department, together with sufficient information to identify the original birth certificate and to enable the department to prepare a new birth certificate. Upon receipt of the certified copy or the report, the department shall prepare and file a new birth certificate that deletes the name of the male ordered to pay child support as the father of the child. The certificate shall bear the same file number as the original birth certificate. All other items not affected by the order setting aside a determination of paternity shall be copied as on the original certificate, including the date of registration and filing. If the child was born in a state other than Florida, the clerk shall send a copy of the report or decree to the appropriate birth registration authority of the state where the child was born. If the relief on a petition filed in accordance with this section is granted and the mother or legal guardian or custodian requests that the court change the child's surname, the court may change the child's surname. If the child is a minor, the court shall consider whether it is in the child's best interests to grant the request to change the child's surname.

(10) The rendition of an order granting a petition filed pursuant to this section shall not affect the legitimacy of a child born during a lawful marriage.

(11) If relief on a petition filed in accordance with this section is not granted, the court shall assess the costs of the action and attorney's fees against the petitioner.

(12) Nothing in this section precludes an individual from

===== T I T L E A M E N D M E N T =====

Between lines 9 and 10, insert:

providing factors the court must consider in determining the best interest of the child; requiring the court to make certain findings;

Rep. Quinones moved the adoption of the amendment, which failed of adoption.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

Motion

On motion by Rep. Goodlette, the rules were waived and the House agreed to take up HB 1037 for consideration.

HB 1037—A bill to be entitled An act relating to campaign financing; amending s. 106.141, F.S.; allowing unopposed legislative candidates to transfer surplus campaign funds to or retain such funds in a campaign account for reelection to the same office; establishing limits on the transferable amount of such funds; providing a prohibition from fundraising under certain conditions; providing an effective date.

—was taken up, having been read the second time, and amended, earlier today; now pending on motion by Rep. Gelber to adopt **Amendment 3**.

Point of Order

Rep. Brummer raised a point of order, under Rule 12.9, that Amendment 3 was the principle substance of HB 1525, which had not been reported favorably by at least one committee of reference.

Rep. Goodlette, Chair of the Rules & Calendar Council, in speaking to the point of order on Amendment 3 to HB 1037 stated that he agreed with Rep. Brummer that Amendment 3 was the principle substance of HB 1525 and recommended that the point be well taken.

The Chair [Rep. Russell], upon the recommendation of Rep. Goodlette, Chair of the Rules & Calendar Council, ruled the point well taken and the amendment out of order.

Rep. Gelber moved to waive the rules and take up Amendment 3, which had been previously ruled out of order. The motion was not agreed to. The vote was:

Session Vote Sequence: 982

Representative Russell in the Chair.

Yeas—35

Allen	Gelber	Machek	Seiler
Antone	Gibson, A.	Meadows	Slosberg
Ausley	Gottlieb	Peterman	Smith
Brandenburg	Greenstein	Porth	Sobel
Bucher	Henriquez	Quinones	Stansel
Bullard	Holloway	Richardson	Taylor
Cusack	Jennings	Roberson	Vana
Fields	Joyner	Ryan	Zapata
Gannon	Justice	Sands	

Nays—75

Adams	Brown	Evers	Hukill
Altman	Brummer	Farkas	Johnson
Ambler	Cannon	Flores	Jordan
Arza	Carroll	Garcia	Kottkamp
Attkisson	Clarke	Gibson, H.	Kravitz
Barreiro	Coley	Glorioso	Kyle
Baxley	Cretul	Goldstein	Legg
Bean	Culp	Goodlette	Littlefield
Bense	Davis, D.	Grant	Llorente
Benson	Davis, M.	Grimsley	Lopez-Cantera
Berfield	Dean	Harrell	Mahon
Bogdanoff	Detert	Hays	Mayfield
Bowen	Domino	Homan	McInvale

Mealor	Planas	Robaina	Stargel
Murzin	Poppell	Rubio	Traviesa
Needelman	Proctor	Russell	Troutman
Negron	Reagan	Sansom	Waters
Patterson	Rice	Simmons	Williams
Pickens	Rivera	Sorensen	

Votes after roll call:

Yeas—Bendross-Mindingall

Nays to Yeas—Johnson

Representative(s) Gelber offered the following:

(Amendment Bar Code: 975655)

Amendment 4 (with title amendment)—Remove line 54 and insert:

Section 2. Subsections (1), (3), (4), (13), and (18) of section 106.011, Florida Statutes, are amended, and subsection (19) is added to that section, to read:

106.011 Definitions.--As used in this chapter, the following terms have the following meanings unless the context clearly indicates otherwise:

(1)(a) "Political committee" means:

1. A combination of two or more individuals, or a person other than an individual, that, in an aggregate amount in excess of \$500 during a single calendar year:

a. Accepts contributions for the purpose of making contributions to any candidate, political committee, committee of continuous existence, or political party;

b. Accepts contributions for the purpose of expressly advocating the election or defeat of a candidate or the passage or defeat of an issue;

c. Makes expenditures that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue; or

d. Makes contributions to a common fund, other than a joint checking account between spouses, from which contributions are made to any candidate, political committee, committee of continuous existence, or political party;

2. The sponsor of a proposed constitutional amendment by initiative who intends to seek the signatures of registered electors.

(b) Notwithstanding paragraph (a), the following entities are not considered political committees for purposes of this chapter:

1. Organizations which are certified by the Department of State as committees of continuous existence pursuant to s. 106.04, national political parties, and the state and county executive committees of political parties regulated by chapter 103.

2. Corporations regulated by chapter 607 or chapter 617 or other business entities formed for purposes other than to support or oppose issues or candidates, if their political activities are limited to contributions to candidates, political parties, or political committees or expenditures in support of or opposition to an issue from corporate or business funds and if no contributions are received by such corporations or business entities.

3. Electioneering communications organizations as defined in subsection (19) Organizations whose activities are limited to making expenditures for electioneering communications or accepting contributions for the purpose of making electioneering communications; however, such organizations shall be required to register with and report expenditures and contributions, including contributions ~~those~~ received from committees of continuous existence, to the Division of Elections and expenditures in the same manner, at the same time, and subject to the same penalties, and with the same filing officer as a political committee supporting or opposing an issue or a legislative a candidate, except as otherwise specifically provided in this chapter or issue contained in the electioneering communication. If any such organization would be required to register and report with more than one filing officer, the organization shall register and report solely with the Division of Elections.

(3) "Contribution" means:

(a) A gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form, made for the purpose of

influencing the results of an election or making an electioneering communication.

(b) A transfer of funds between political committees, between committees of continuous existence, between electioneering communications organizations, or between any combination of these groups ~~or between a political committee and a committee of continuous existence.~~

(c) The payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to a candidate or political committee without charge to the candidate or committee for such services.

(d) The transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, and the term includes any interest earned on such account or certificate.

Notwithstanding the foregoing meanings of "contribution," the word shall not be construed to include services, including, but not limited to, legal and accounting services, provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee. This definition shall not be construed to include editorial endorsements.

(4)(a) "Expenditure" means a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, or gift of money or anything of value made for the purpose of influencing the results of an election or making an electioneering communication. However, "expenditure" does not include a purchase, payment, distribution, loan, advance, or gift of money or anything of value made for the purpose of influencing the results of an election when made by an organization, in existence prior to the time during which a candidate qualifies or an issue is placed on the ballot for that election, for the purpose of printing or distributing such organization's newsletter, containing a statement by such organization in support of or opposition to a candidate or issue, which newsletter is distributed only to members of such organization.

(b) As used in this chapter, an "expenditure" for an electioneering communication is made when the earliest of the following occurs:

1. A person enters into ~~executes~~ a contract for applicable goods or services;
2. A person makes payment, in whole or in part, for the production or public dissemination of applicable goods or services; or
3. The electioneering communication is publicly disseminated.

(13) "Communications media" means broadcasting stations, newspapers, magazines, outdoor advertising facilities, printers, direct mail ~~mailing companies~~, advertising agencies, the Internet, and telephone companies; but with respect to telephones, an expenditure shall be deemed to be an expenditure for the use of communications media only if made for the costs of telephones, paid telephonists, or automatic telephone equipment to be used by a candidate or a political committee to communicate with potential voters but excluding any costs of telephones incurred by a volunteer for use of telephones by such volunteer; however, with respect to the Internet, an expenditure shall be deemed an expenditure for use of communications media only if made for the cost of creating or disseminating a message on a computer information system accessible by more than one person but excluding internal communications of a campaign or of any group.

(18)(a) "Electioneering communication" means a paid expression in any communications media prescribed in subsection (13) by means other than the spoken word in direct conversation that:

1. Refers to or depicts a clearly identified candidate for office or contains a clear reference indicating that an issue is to be voted on at an election, without expressly advocating the election or defeat of a candidate or the passage or defeat of an issue.
2. For communications referring to or depicting a clearly identified candidate for office, is targeted to the relevant electorate. A communication is considered targeted if 1,000 or more persons in the geographic area the candidate would represent if elected will receive the communication.

3. ~~For communications referring to or depicting a clearly identified candidate for office, is published after the end of the candidate qualifying period for the office sought by the candidate.~~

4. For communications containing a clear reference indicating that an issue is to be voted on at an election, is published after the issue is designated a ballot position or 120 days before the date of the election on the issue, whichever occurs first.

(b) The term "electioneering communication" does not include:

1. A statement or depiction by an organization, in existence prior to the time during which a candidate named or depicted qualifies or an issue identified is placed on the ballot for that election, made in that organization's newsletter, which newsletter is distributed only to members of that organization.

2. An editorial endorsement, news story, commentary, or editorial by any newspaper, radio, television station, or other recognized news medium.

3. A communication that constitutes a public debate or forum that includes at least two opposing candidates for an office or one advocate and one opponent of an issue, or that solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum, provided that:

a. The staging organization is either:

(I) A charitable organization that does not make other electioneering communications and does not otherwise support or oppose any political candidate or political party; or

(II) A newspaper, radio station, television station, or other recognized news medium; and

b. The staging organization does not structure the debate to promote or advance one candidate or issue position over another.

(c) For purposes of this chapter, an expenditure made for, or in furtherance of, an electioneering communication shall not be considered a contribution to or on behalf of any candidate.

(d) For purposes of this chapter, an electioneering communication shall not constitute an independent expenditure nor be subject to the limitations applicable to independent expenditures.

(19) "Electioneering communications organization" means any group, other than a political party, political committee, or committee of continuous existence, whose activities are limited to making expenditures for electioneering communications or accepting contributions for the purpose of making electioneering communications.

Section 3. Subsection (1) of section 106.022, Florida Statutes, is amended to read:

106.022 Appointment of a registered agent; duties.--

(1) Each political committee, committee of continuous existence, or electioneering communications organization ~~entity~~ shall have and continuously maintain in this state a registered office and a registered agent and must file with the division a statement of appointment for the registered office and registered agent. The statement of appointment must:

- (a) Provide the name of the registered agent and the street address and phone number for the registered office;
- (b) Identify the entity for whom the registered agent serves;
- (c) Designate the address the registered agent wishes to use to receive mail;
- (d) Include the entity's undertaking to inform the division of any change in such designated address;
- (e) Provide for the registered agent's acceptance of the appointment, which must confirm that the registered agent is familiar with and accepts the obligations of the position as set forth in this section; and
- (f) Contain the signature of the registered agent and the entity engaging the registered agent.

Section 4. Section 106.03, Florida Statutes, is amended to read:

106.03 Registration of political committees.--

(1)(a) Each political committee that ~~which~~ anticipates receiving contributions or making expenditures during a calendar year in an aggregate amount exceeding \$500 or that ~~which~~ is seeking the signatures of registered electors in support of an initiative shall file a statement of organization as provided in subsection (3) within 10 days after its organization or, if later, within 10 days after the date on which it has information that ~~which~~ causes

the committee to anticipate that it will receive contributions or make expenditures in excess of \$500. If a political committee is organized within 10 days of any election, it shall immediately file the statement of organization required by this section.

(b) Each electioneering communications organization that anticipates receiving contributions or making expenditures shall file a statement of organization as provided in subsection (3) by expedited delivery within 24 hours after its organization or, if later, within 24 hours after the date on which it has information that causes the organization to anticipate that it will receive contributions or make expenditures for an electioneering communication.

(2) The statement of organization shall include:

- (a) The name and street address of the committee;
- (b) The names, street addresses, and relationships of affiliated or connected organizations;
- (c) The area, scope, or jurisdiction of the committee;
- (d) The name, street address, and position of the custodian of books and accounts;
- (e) The name, street address, and position of other principal officers, including officers and members of the finance committee, if any;
- (f) The name, address, office sought, and party affiliation of:
 - 1. Each candidate whom the committee is supporting;
 - 2. Any other individual, if any, whom the committee is supporting for nomination for election, or election, to any public office whatever;
- (g) Any issue or issues such organization is supporting or opposing;
- (h) If the committee is supporting the entire ticket of any party, a statement to that effect and the name of the party;
- (i) A statement of whether the committee is a continuing one;
- (j) Plans for the disposition of residual funds which will be made in the event of dissolution;
- (k) A listing of all banks, safe-deposit boxes, or other depositories used for committee funds; and
- (l) A statement of the reports required to be filed by the committee with federal officials, if any, and the names, addresses, and positions of such officials.

(3)(a) A political committee which is organized to support or oppose statewide, legislative, or multicounty candidates or issues to be voted upon on a statewide or multicounty basis shall file a statement of organization with the Division of Elections.

(b) Except as provided in paragraph (c), a political committee which is organized to support or oppose candidates or issues to be voted on in a countywide election or candidates or issues in any election held on less than a countywide basis shall file a statement of organization with the supervisor of elections of the county in which such election is being held.

(c) A political committee which is organized to support or oppose only candidates for municipal office or issues to be voted on in a municipal election shall file a statement of organization with the officer before whom municipal candidates qualify.

(d) Any political committee which would be required under this subsection to file a statement of organization in two or more locations by reason of the committee's intention to support or oppose candidates or issues at state or multicounty and local levels of government need file only with the Division of Elections.

(4) Any change in information previously submitted in a statement of organization shall be reported to the agency or officer with whom such committee is required to register pursuant to subsection (3), within 10 days following the change.

(5) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$500 shall so notify the agency or officer with whom such committee is required to file the statement of organization.

(6) If the filing officer finds that a political committee has filed its statement of organization consistent with the requirements of subsection (2), it shall notify the committee in writing that it has been registered as a political committee. If the filing officer finds that a political committee's statement of organization does not meet the requirements of subsection (2), it shall notify

the committee of such finding and shall state in writing the reasons for rejection of the statement of organization.

(7) The Division of Elections shall promulgate rules to prescribe the manner in which inactive committees may be dissolved and have their registration canceled. Such rules shall, at a minimum, provide for:

(a) Notice which shall contain the facts and conduct which warrant the intended action, including but not limited to failure to file reports and limited activity.

(b) Adequate opportunity to respond.

(c) Appeal of the decision to the Florida Elections Commission. Such appeals shall be exempt from the confidentiality provisions of s. 106.25.

Section 5. Section 106.0701, Florida Statutes, is created to read:

106.0701 Statewide and legislative officer's and candidate's solicitation of contributions; reporting requirements.--

(1) The Governor, the Lieutenant Governor, a member of the Cabinet, a state legislator, or a candidate for any of these offices that solicits or causes to be solicited a contribution for a committee of continuous existence, electioneering communications organization, organization exempt from taxation under 26 U.S.C. s. 527 other than a political party or the campaign depository of the solicitor, or an organization exempt from taxation under 26 U.S.C. s. 501(c)(4) shall, within 48 hours of such solicitation, file a statement with the division pursuant to s. 106.0705. The statement shall contain the following information:

(a) The name, street address, and office held or sought of the officer or candidate making or causing the solicitation to be made.

(b) The date the solicitation was made.

(c) The name, street address, and type of organization for whom the solicitation was made.

(d) A description of the relationship between the officer or candidate and the organization for whom the solicitation was made.

(2) If an officer or candidate has not been issued a secure sign-on to the division's electronic reporting system pursuant to s. 106.0705, the officer or candidate making the solicitation or causing the solicitation to be made shall, within 24 hours of the solicitation, request one from the division and file a report of the solicitation within 48 hours after receiving the sign-on.

(3) For purposes of this section, "solicits or causes to be solicited a contribution for a committee of continuous existence, electioneering communications organization, organization exempt from taxation under 26 U.S.C. s. 527 other than a political party or the campaign depository of the solicitor, or an organization exempt from taxation under 26 U.S.C. s. 501(c)(4)" means to expressly seek, ask, petition, beseech, or request, directly or indirectly, that a gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form, be given, directly or indirectly, to the committee or organization; however, the term does not include a general appeal to support the committee or organization if the appeal fails to expressly seek, ask, petition, beseech, or request that something with a monetary value be given to the committee or organization.

(4) Any officer or employee who fails to timely file a solicitation report required by this section shall be subject to the penalties for late-filed campaign finance reports pursuant to s. 106.07(8).

Section 6. Section 106.0703, Florida Statutes, is created to read:

106.0703 Electioneering communications organizations; additional reporting requirements.--

(1) In addition to the reporting requirements in s. 106.07, an electioneering communications organization shall, within 2 days after receiving its initial password or secure sign-on from the Department of State allowing confidential access to the department's electronic campaign finance filing system, electronically file the periodic campaign finance reports that would have been required pursuant to s. 106.07 for reportable activities that occurred since the date of the last general election.

(2) In addition to the reporting requirements in s. 106.07, an electioneering communications organization shall electronically file a supplemental report of each contribution of \$5,000 or more received by the organization within 2 days after receipt. The supplemental report must include the information required in s. 106.07(4)(a)1.-5. The electioneering communications

organization shall not include each contribution reported pursuant to this subsection on the quarterly or periodic campaign finance report pursuant to s. 106.07 for the reporting period in which the contribution was received.

Section 7. Section 106.0705, Florida Statutes, is amended to read:

106.0705 Electronic filing of campaign treasurer's reports.--

(1) As used in this section, "electronic filing system" means an Internet system for recording and reporting campaign finance activity by reporting period.

(2)(a) Each candidate who is required to file reports pursuant to s. 106.07 with the division must file such reports with the division by means of the division's electronic filing system.

(b) Each political committee, committee of continuous existence, electioneering communications organization, or state executive committee that is required to file reports with the division under s. 106.04, s. 106.07, s. 106.0703, or s. 106.29, as applicable, must file such reports with the division by means of the division's electronic filing system.

(c) Each person or organization that is required to file reports with the division under s. 106.071 must file such reports with the division by means of the division's electronic filing system.

(3) Reports filed pursuant to this section shall be completed and filed through the electronic filing system not later than midnight of the day designated. Reports not filed by midnight of the day designated are late filed and are subject to the penalties under s. 106.04(8), s. 106.07(8), or s. 106.29(3), as applicable.

(4) Each report filed pursuant to this section is considered to be under oath by the candidate and treasurer or the chair and treasurer, whichever is applicable, and such persons are subject to the provisions of s. 106.04(4)(d), s. 106.07(5), or s. 106.29(2), as applicable. Persons given a secure sign-on to the electronic filing system are responsible for protecting such from disclosure and are responsible for all filings using such credentials, unless they have notified the division that their credentials have been compromised.

(5) The electronic filing system developed by the division must:

(a) Be based on access by means of the Internet.

(b) Be accessible by anyone with Internet access using standard web-browsing software.

(c) Provide for direct entry of campaign finance information as well as upload of such information from campaign finance software certified by the division.

(d) Provide a method that prevents unauthorized access to electronic filing system functions.

(6) The division shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section and provide for the reports required to be filed pursuant to this section. Such rules shall, at a minimum, provide:

(a) Alternate filing procedures in case the division's electronic filing system is not operable.

(b) For the issuance of an electronic receipt to the person submitting the report indicating and verifying that the report has been filed.

(7) Notwithstanding anything in law to the contrary, any report required to have been filed under this section for the period ended March 31, 2005, shall be deemed to have been timely filed if the report is filed under this section on or before June 1, 2005.

Section 8. Effective upon this act becoming a law, subsections (5) and (7) of section 106.08, Florida Statutes, are amended to read:

106.08 Contributions; limitations on.--

(5)(a) A person may not make any contribution through or in the name of another, directly or indirectly, in any election.

(b) Candidates, political committees, and political parties may not solicit contributions from any religious, charitable, civic, or other causes or organizations established primarily for the public good.

(c) Candidates, political committees, and political parties may not make contributions, in exchange for political support, to any religious, charitable, civic, or other cause or organization established primarily for the public good. It is not a violation of this paragraph for:

1. A candidate, political committee, or political party executive committee to make gifts of money in lieu of flowers in memory of a deceased person;

2. A candidate to continue membership in, or make regular donations from personal or business funds to, religious, political party, civic, or charitable

groups of which the candidate is a member or to which the candidate has been a regular donor for more than 6 months; or

3. A candidate to purchase, with campaign funds, tickets, admission to events, or advertisements from religious, civic, political party, or charitable groups.

(d)1. Committees of continuous existence, electioneering communications organizations, organizations exempt from taxation under 26 U.S.C. s. 527 other than a political party, and organizations exempt from taxation under 26 U.S.C. s. 501(c)(4) shall not, in any election, accept contributions in excess of \$500 from an individual or group if, during the current election period ending on the date of the next general election, the committee or organization directly or indirectly through one or more intermediaries:

a. Reimburses or pays for any expenses of the Governor, the Lieutenant Governor, a member of the Cabinet, a state legislator, a candidate for any of these offices, an employee or agent of the officer or candidate, or a member of the officer's or candidate's immediate family.

b. Is, in whole or in part, established, organized, operated, or controlled by the Governor, the Lieutenant Governor, a member of the Cabinet, a state legislator, a candidate for any of these offices, an employee or agent of the officer or candidate, or a member of the officer's or candidate's immediate family, provided the committee or organization directly or indirectly makes or has made a contribution to, or an expenditure for the benefit of, the officer's or candidate's campaign for publicly-elected office.

c. Knowingly receives contributions solicited by, caused to be solicited by, or accepted on behalf of the committee or organization by the Governor, the Lieutenant Governor, a member of the Cabinet, a state legislator, a candidate for any of these offices, an employee or agent of the officer or candidate, or a member of the officer's or candidate's immediate family, provided the committee or organization directly or indirectly makes or has made a contribution to, or an expenditure for the benefit of, the officer's or candidate's campaign for publicly-elected office in an amount exceeding \$500 in the aggregate in any election.

2. For purposes of this paragraph, "immediate family" means the spouse, parent, child, grandparent, or sibling of the officer or candidate.

3. Notwithstanding the limits provided in this paragraph, a committee or organization that is subject to the \$500 contribution limit in subparagraph 1. shall not accept a contribution in excess of \$100 from an unemancipated child under the age of 18.

4. The contribution limits of this paragraph apply to each election. For purposes of this paragraph, the primary election and the general election are separate elections so long as the candidate that the committee or organization supports or opposes, or who is referred to or depicted in the committee's or organization's electioneering communications, is not an unopposed candidate as defined in s. 106.011(15). However, for the purpose of contribution limits with respect to committees and organizations supporting or opposing only candidates for retention as a justice or judge, or referring to or depicting only candidates for retention as a justice or judge in the committee's or organization's electioneering communications, there is only one election, which is the general election.

(7)(a) Any person who knowingly and willfully makes, solicits, or accepts no more than one contribution in violation of subsection (1) or subsection (5), or any person who knowingly and willfully fails or refuses to return any contribution as required in subsection (3), commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If any corporation, partnership, or other business entity or any political party, political committee, or committee of continuous existence is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than \$1,000 and not more than \$10,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity or of a political party, political committee, or committee of continuous existence who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who knowingly and willfully makes, solicits, or accepts two or more contributions in violation of subsection (1) or subsection (5) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If any corporation, partnership, or other business entity or any political party, political committee, or committee of continuous existence is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than \$10,000 and not more than \$50,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity, or of a political committee, committee of continuous existence, or political party who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 9. Subsection (4) of section 106.08, Florida Statutes, is amended, subsections (5) and (7) of that section, as amended by this act, are amended, and subsection (8) of that section is reenacted, to read:

106.08 Contributions; limitations on.--

(4)(a) Any contribution received by the chair, campaign treasurer, or deputy campaign treasurer of a political committee supporting or opposing a candidate with opposition in an election or supporting or opposing an issue on the ballot in an election on the day of that election or less than 5 days prior to the day of that election may not be obligated or expended by the committee until after the date of the election.

(b) Any contribution received by an electioneering communications organization on the day of an election or less than 10 days prior to the day of that election may not be obligated or expended by the organization until after the date of the election, and may not be expended to pay for any obligation arising prior to the election.

(5)(a) A person may not make any contribution through or in the name of another, directly or indirectly, in any election.

(b) Candidates, political committees, and political parties may not solicit contributions from any religious, charitable, civic, or other causes or organizations established primarily for the public good.

(c) Candidates, political committees, and political parties may not make contributions, in exchange for political support, to any religious, charitable, civic, or other cause or organization established primarily for the public good. It is not a violation of this paragraph for:

1. A candidate, political committee, or political party executive committee to make gifts of money in lieu of flowers in memory of a deceased person;

2. A candidate to continue membership in, or make regular donations from personal or business funds to, religious, political party, civic, or charitable groups of which the candidate is a member or to which the candidate has been a regular donor for more than 6 months; or

3. A candidate to purchase, with campaign funds, tickets, admission to events, or advertisements from religious, civic, political party, or charitable groups.

(d)1. Committees of continuous existence, electioneering communications organizations, organizations exempt from taxation under 26 U.S.C. s. 527 other than a political party, and organizations exempt from taxation under 26 U.S.C. s. 501(c)(4) shall not, in any election, accept contributions in excess of \$500 from an individual or group if, during the current election period ending on the date of the next general election, the committee or organization directly or indirectly through one or more intermediaries:

a. Reimburses or pays for any expenses of the Governor, the Lieutenant Governor, a member of the Cabinet, a state legislator, a candidate for any of these offices, an employee or agent of the officer or candidate, or a member of the officer's or candidate's immediate family.

b. Is, in whole or in part, established, organized, operated, or controlled by the Governor, the Lieutenant Governor, a member of the Cabinet, a state legislator, a candidate for any of these offices, an employee or agent of the officer or candidate, or a member of the officer's or candidate's immediate family, provided the committee or organization directly or indirectly makes or has made a contribution to, or an expenditure for the benefit of, the officer's or candidate's campaign for publicly-elected office.

c. Knowingly receives contributions solicited by, caused to be solicited by, or accepted on behalf of the committee or organization by the Governor, the Lieutenant Governor, a member of the Cabinet, a state legislator, a candidate for any of these offices, an employee or agent of the officer or candidate, or a member of the officer's or candidate's immediate family, provided the committee or organization directly or indirectly makes or has made a contribution to, or an expenditure for the benefit of, the officer's or candidate's campaign for publicly-elected office in an amount exceeding \$500 in the aggregate in any election.

2. For purposes of this paragraph, "immediate family" means the spouse, parent, child, grandparent, or sibling of the officer or candidate.

3. Notwithstanding the limits provided in this paragraph, a committee or organization that is subject to the \$500 contribution limit in subparagraph 1. shall not accept a contribution in excess of \$100 from an unemancipated child under the age of 18.

4. The contribution limits of this paragraph apply to each election. For purposes of this paragraph, the primary election and the general election are separate elections so long as the candidate that the committee or organization supports or opposes, or who is referred to or depicted in the committee's or organization's electioneering communications, is not an unopposed candidate as defined in s. 106.011(15). However, for the purpose of contribution limits with respect to committees and organizations supporting or opposing only candidates for retention as a justice or judge, or referring to or depicting only candidates for retention as a justice or judge in the committee's or organization's electioneering communications, there is only one election, which is the general election.

(e) An electioneering communications organization may not accept a contribution from an organization exempt from taxation under 26 U.S.C. s. 527 or s. 501(c)(4), other than a political committee, committee of continuous existence, or political party, unless the contributing organization has registered as if it were an electioneering communications organization pursuant to s. 106.03 and has filed all campaign finance reports required of electioneering communications organizations pursuant to ss. 106.07 and 106.0703.

(7)(a) Any person who knowingly and willfully makes, solicits, or accepts no more than one contribution in violation of subsection (1) or subsection (5), or any person who knowingly and willfully fails or refuses to return any contribution as required in subsection (3), commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If any corporation, partnership, or other business entity or any political party, political committee, ~~or~~ committee of continuous existence, or electioneering communications organization is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than \$1,000 and not more than \$10,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity or of a political party, political committee, ~~or~~ committee of continuous existence, electioneering communications organization, or organization exempt from taxation under 26 U.S.C. s. 527 or s. 501(c)(4), who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who knowingly and willfully makes, solicits, or accepts two or more contributions in violation of subsection (1) or subsection (5) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If any corporation, partnership, or other business entity or any political party, political committee, ~~or~~ committee of continuous existence, or electioneering communications organization is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than \$10,000 and not more than \$50,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity, or of a political committee, committee of continuous existence, ~~or~~ political party, electioneering communications organization, or organization exempt

from taxation under 26 U.S.C. s. 527 or s. 501(c)(4), who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) Except when otherwise provided in subsection (7), any person who knowingly and willfully violates any provision of this section shall, in addition to any other penalty prescribed by this chapter, pay to the state a sum equal to twice the amount contributed in violation of this chapter. Each campaign treasurer shall pay all amounts contributed in violation of this section to the state for deposit in the General Revenue Fund.

Section 10. For the purpose of incorporating the amendments made by this act to section 106.03, Florida Statutes, in a reference thereto, section 106.07, Florida Statutes, is reenacted to read:

106.07 Reports; certification and filing.--

(1) Each campaign treasurer designated by a candidate or political committee pursuant to s. 106.021 shall file regular reports of all contributions received, and all expenditures made, by or on behalf of such candidate or political committee. Reports shall be filed on the 10th day following the end of each calendar quarter from the time the campaign treasurer is appointed, except that, if the 10th day following the end of a calendar quarter occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next following day which is not a Saturday, Sunday, or legal holiday. Quarterly reports shall include all contributions received and expenditures made during the calendar quarter which have not otherwise been reported pursuant to this section.

(a) Except as provided in paragraph (b), following the last day of qualifying for office, the reports shall be filed on the 32nd, 18th, and 4th days immediately preceding the primary and on the 46th, 32nd, 18th, and 4th days immediately preceding the election, for a candidate who is opposed in seeking nomination or election to any office, for a political committee, or for a committee of continuous existence.

(b) Following the last day of qualifying for office, any statewide candidate who has requested to receive contributions from the Election Campaign Financing Trust Fund or any statewide candidate in a race with a candidate who has requested to receive contributions from the trust fund shall file reports on the 4th, 11th, 18th, 25th, and 32nd days prior to the primary election, and on the 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to the general election.

(c) Following the last day of qualifying for office, any unopposed candidate need only file a report within 90 days after the date such candidate became unopposed. Such report shall contain all previously unreported contributions and expenditures as required by this section and shall reflect disposition of funds as required by s. 106.141.

(d)1. When a special election is called to fill a vacancy in office, all political committees and committees of continuous existence making contributions or expenditures to influence the results of such special election shall file campaign treasurers' reports with the filing officer on the dates set by the Department of State pursuant to s. 100.111.

2. When an election is called for an issue to appear on the ballot at a time when no candidates are scheduled to appear on the ballot, all political committees making contributions or expenditures in support of or in opposition to such issue shall file reports on the 18th and 4th days prior to such election.

(e) The filing officer shall provide each candidate with a schedule designating the beginning and end of reporting periods as well as the corresponding designated due dates.

(2)(a) All reports required of a candidate by this section shall be filed with the officer before whom the candidate is required by law to qualify. All candidates who file with the Department of State shall file their reports pursuant to s. 106.0705. In addition, a copy of each report for candidates for other than statewide office who qualify with the Department of State shall be filed with the supervisor of elections in the county where the candidate resides. Except as provided in s. 106.0705, reports shall be filed not later than 5 p.m. of the day designated; however, any report postmarked by the United States Postal Service no later than midnight of the day designated shall be deemed to have been filed in a timely manner. Any report received by the filing officer within 5 days after the designated due date that was delivered by the United

States Postal Service shall be deemed timely filed unless it has a postmark that indicates that the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the United States Postal Service at the time of mailing, or a receipt from an established courier company, which bears a date on or before the date on which the report is due, shall be proof of mailing in a timely manner. Reports shall contain information of all previously unreported contributions received and expenditures made as of the preceding Friday, except that the report filed on the Friday immediately preceding the election shall contain information of all previously unreported contributions received and expenditures made as of the day preceding that designated due date. All such reports shall be open to public inspection.

(b)1. Any report which is deemed to be incomplete by the officer with whom the candidate qualifies shall be accepted on a conditional basis, and the campaign treasurer shall be notified by registered mail as to why the report is incomplete and be given 3 days from receipt of such notice to file an addendum to the report providing all information necessary to complete the report in compliance with this section. Failure to file a complete report after such notice constitutes a violation of this chapter.

2. In lieu of the notice by registered mail as required in subparagraph 1., the qualifying officer may notify the campaign treasurer by telephone that the report is incomplete and request the information necessary to complete the report. If, however, such information is not received by the qualifying officer within 3 days after the telephone request therefor, notice shall be sent by registered mail as provided in subparagraph 1.

(3) Reports required of a political committee shall be filed with the agency or officer before whom such committee registers pursuant to s. 106.03(3) and shall be subject to the same filing conditions as established for candidates' reports. Incomplete reports by political committees shall be treated in the manner provided for incomplete reports by candidates in subsection (2).

(4)(a) Each report required by this section shall contain:

1. The full name, address, and occupation, if any of each person who has made one or more contributions to or for such committee or candidate within the reporting period, together with the amount and date of such contributions. For corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the corporation. However, if the contribution is \$100 or less or is from a relative, as defined in s. 112.312, provided that the relationship is reported, the occupation of the contributor or the principal type of business need not be listed.

2. The name and address of each political committee from which the reporting committee or the candidate received, or to which the reporting committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers.

3. Each loan for campaign purposes to or from any person or political committee within the reporting period, together with the full names, addresses, and occupations, and principal places of business, if any, of the lender and endorsers, if any, and the date and amount of such loans.

4. A statement of each contribution, rebate, refund, or other receipt not otherwise listed under subparagraphs 1. through 3.

5. The total sums of all loans, in-kind contributions, and other receipts by or for such committee or candidate during the reporting period. The reporting forms shall be designed to elicit separate totals for in-kind contributions, loans, and other receipts.

6. The full name and address of each person to whom expenditures have been made by or on behalf of the committee or candidate within the reporting period; the amount, date, and purpose of each such expenditure; and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made. However, expenditures made from the petty cash fund provided by s. 106.12 need not be reported individually.

7. The full name and address of each person to whom an expenditure for personal services, salary, or reimbursement for authorized expenses as provided in s. 106.021(3) has been made and which is not otherwise reported, including the amount, date, and purpose of such expenditure. However, expenditures made from the petty cash fund provided for in s. 106.12 need not be reported individually.

8. The total amount withdrawn and the total amount spent for petty cash purposes pursuant to this chapter during the reporting period.

9. The total sum of expenditures made by such committee or candidate during the reporting period.

10. The amount and nature of debts and obligations owed by or to the committee or candidate, which relate to the conduct of any political campaign.

11. A copy of each credit card statement which shall be included in the next report following receipt thereof by the candidate or political committee. Receipts for each credit card purchase shall be retained by the treasurer with the records for the campaign account.

12. The amount and nature of any separate interest-bearing accounts or certificates of deposit and identification of the financial institution in which such accounts or certificates of deposit are located.

13. The primary purposes of an expenditure made indirectly through a campaign treasurer pursuant to s. 106.021(3) for goods and services such as communications media placement or procurement services, campaign signs, insurance, and other expenditures that include multiple components as part of the expenditure. The primary purpose of an expenditure shall be that purpose, including integral and directly related components, that comprises 80 percent of such expenditure.

(b) The filing officer shall make available to any candidate or committee a reporting form which the candidate or committee may use to indicate contributions received by the candidate or committee but returned to the contributor before deposit.

(5) The candidate and his or her campaign treasurer, in the case of a candidate, or the political committee chair and campaign treasurer of the committee, in the case of a political committee, shall certify as to the correctness of each report; and each person so certifying shall bear the responsibility for the accuracy and veracity of each report. Any campaign treasurer, candidate, or political committee chair who willfully certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6) The campaign depository shall return all checks drawn on the account to the campaign treasurer who shall retain the records pursuant to s. 106.06. The records maintained by the depository with respect to such account shall be subject to inspection by an agent of the Division of Elections or the Florida Elections Commission at any time during normal banking hours, and such depository shall furnish certified copies of any of such records to the Division of Elections or Florida Elections Commission upon request.

(7) Notwithstanding any other provisions of this chapter, in any reporting period during which a candidate, political committee, or committee of continuous existence has not received funds, made any contributions, or expended any reportable funds, the filing of the required report for that period is waived. However, the next report filed must specify that the report covers the entire period between the last submitted report and the report being filed, and any candidate, political committee, or committee of continuous existence not reporting by virtue of this subsection on dates prescribed elsewhere in this chapter shall notify the filing officer in writing on the prescribed reporting date that no report is being filed on that date.

(8)(a) Any candidate or political committee failing to file a report on the designated due date shall be subject to a fine as provided in paragraph (b) for each late day, and, in the case of a candidate, such fine shall be paid only from personal funds of the candidate. The fine shall be assessed by the filing officer and the moneys collected shall be deposited:

1. In the General Revenue Fund, in the case of a candidate for state office or a political committee that registers with the Division of Elections; or

2. In the general revenue fund of the political subdivision, in the case of a candidate for an office of a political subdivision or a political committee that registers with an officer of a political subdivision.

No separate fine shall be assessed for failure to file a copy of any report required by this section.

(b) Upon determining that a report is late, the filing officer shall immediately notify the candidate or chair of the political committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered

by the late report. However, for the reports immediately preceding each primary and general election, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. For reports required under s. 106.141(7), the fine is \$50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the candidate or chair. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.
2. When the report is postmarked.
3. When the certificate of mailing is dated.
4. When the receipt from an established courier company is dated.
5. When the electronic receipt issued pursuant to s. 106.0705 is dated.

Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). In the case of a candidate, such fine shall not be an allowable campaign expenditure and shall be paid only from personal funds of the candidate. An officer or member of a political committee shall not be personally liable for such fine.

(c) Any candidate or chair of a political committee may appeal or dispute the fine, based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. The Florida Elections Commission must consider the mitigating and aggravating circumstances contained in s. 106.265(1) when determining the amount of a fine, if any, to be waived. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the candidate or chair of the political committee shall, within the 20-day period, notify the filing officer in writing of his or her intention to bring the matter before the commission.

(d) The appropriate filing officer shall notify the Florida Elections Commission of the repeated late filing by a candidate or political committee, the failure of a candidate or political committee to file a report after notice, or the failure to pay the fine imposed. The commission shall investigate only those alleged late filing violations specifically identified by the filing officer and as set forth in the notification. Any other alleged violations must be separately stated and reported by the division to the commission under s. 106.25(2).

(9) The Department of State may prescribe by rule the requirements for filing campaign treasurers' reports as set forth in this chapter.

Section 11. For the purpose of incorporating the amendments made by this act to section 106.08, Florida Statutes, in a reference thereto, section 106.19, Florida Statutes, is reenacted to read:

106.19 Violations by candidates, persons connected with campaigns, and political committees.--

(1) Any candidate; campaign manager, campaign treasurer, or deputy treasurer of any candidate; committee chair, vice chair, campaign treasurer, deputy treasurer, or other officer of any political committee; agent or person acting on behalf of any candidate or political committee; or other person who knowingly and willfully:

- (a) Accepts a contribution in excess of the limits prescribed by s. 106.08;
- (b) Fails to report any contribution required to be reported by this chapter;
- (c) Falsely reports or deliberately fails to include any information required by this chapter; or

(d) Makes or authorizes any expenditure in violation of s. 106.11(4) or any other expenditure prohibited by this chapter; is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) Any candidate, campaign treasurer, or deputy treasurer; any chair, vice chair, or other officer of any political committee; any agent or person acting on behalf of any candidate or political committee; or any other person who violates paragraph (1)(a), paragraph (1)(b), or paragraph (1)(d) shall be subject to a civil penalty equal to three times the amount involved in the illegal act. Such penalty may be in addition to the penalties provided by subsection (1) and shall be paid into the General Revenue Fund of this state.

(3) A political committee sponsoring a constitutional amendment proposed by initiative which submits a petition form gathered by a paid petition circulator which does not provide the name and address of the paid petition circulator on the form is subject to the civil penalties prescribed in s. 106.265.

Section 12. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove line 12 and insert:

certain conditions; amending s. 106.011, F.S.; redefining the terms "political committee," "contribution," "expenditure," "communications media," and "electioneering communication"; defining the term "electioneering communications organization"; amending s. 106.022, F.S.; conforming a reference to an electioneering communications organization; amending s. 106.03, F.S.; revising the registration requirements for political committees and electioneering communications organizations; creating s. 106.0701; establishing campaign finance reporting requirements for certain officers and candidates soliciting contributions for certain committees and organizations; providing penalties; creating s. 106.0703, F.S.; establishing campaign finance reporting requirements for electioneering communications organizations; providing definitions; amending s. 106.0705, F.S.; incorporating the new campaign finance reporting requirements for electioneering communications organizations into the Department of State's electronic campaign finance reporting system; amending s. 106.08, F.S.; prohibiting the use of certain contributions received by an electioneering communications organization proximate to an election; limiting contributions to certain committees of continuous existence, electioneering communications organizations, and tax-exempt organizations pursuant to 26 U.S.C. s. 527 and 501(c)(4); reenacting ss. 106.07, 106.08(8), and 106.19, F.S., relating to reports, certification and filing, and penalty provisions, to incorporate the amendments made by this act to ss. 106.03 and 106.08, F.S., in references thereto; providing effective dates.

Rep. Gelber moved the adoption of the amendment. Subsequently, **Amendment 4** was withdrawn.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

On motion by Rep. Goodlette, the rules were waived and the House moved to the order of—

Special Orders

HB 335—A bill to be entitled An act relating to juvenile justice; amending s. 985.215, F.S.; requiring specified home detention to be with electronic monitoring, subject to appropriation; amending s. 985.231, F.S.; requiring specified home detention to be with electronic monitoring, subject to appropriation; amending s. 985.31, F.S.; deleting requirement for a report on serious or habitual juvenile offenders; amending s. 985.311, F.S.; deleting requirement for a report on intensive residential treatment; amending s. 985.3141, F.S.; providing that a youth's willful failure to return to a residential commitment facility within the time authorized for temporary release constitutes escape subject to penalties; amending s. 985.317, F.S.; deleting a requirement for a report on literacy programs for juvenile offenders; providing an effective date.

The Criminal Justice Appropriations Committee recommended the following:

HB 335 CS—A bill to be entitled An act relating to juvenile justice; amending s. 39.01, F.S.; including specified law enforcement officers in the definition of "other person responsible for a child's welfare" for purposes of abuse investigations; amending s. 985.207, F.S.; permitting a law enforcement officer to take a child into custody for a violation of adjudication order

conditions; amending s. 985.215, F.S.; permitting specified types of postadjudication detention for a child who has previously failed to appear at delinquency court proceedings regardless of risk assessment instrument results; providing exceptions that permit postadjudication detention until the child's disposition order is entered in his or her case; conforming cross-references; amending s. 985.2155, F.S.; revising the definition of the term "fiscally constrained county" for purposes of determining state payment of costs of juvenile detention care; amending s. 985.228, F.S.; requiring a court to include specified conditions in a child's order of adjudication of delinquency that apply during the postadjudication and predisposition period; providing a definition; permitting a court to find a child in contempt of court for a violation of adjudication order conditions; providing sanctions; amending s. 985.231, F.S.; conforming cross-references and terminology; repealing s. 985.309, F.S., relating to boot camps for children; creating s. 985.3091, F.S.; authorizing the department to contract for sheriff's training and respect programs; providing eligibility requirements for children placed in the programs; specifying required program offerings; specifying program participation timeframes; requiring the department to adopt rules and maintain specified records; providing for quarterly evaluations of and contract cancellation under specified circumstances; specifying staff training requirements; requiring the department to adopt training rules; prohibiting the provision of direct care to children by staff who have not complied with training requirements; prohibiting the operation of a program until department rules are adopted and the department has verified program compliance with applicable law and rules; authorizing emergency rules to expedite implementation; amending s. 985.31, F.S.; deleting a requirement for a report on serious or habitual juvenile offenders; conforming cross-references and terminology; amending s. 985.311, F.S.; deleting a requirement for a report on intensive residential treatment; conforming cross-references and terminology; amending s. 985.317, F.S.; deleting a requirement for a report on literacy programs for juvenile offenders; creating s. 985.3142, F.S.; providing that the willful failure of a child to return to a residential commitment facility within the time authorized for a temporary release is absconding for a first offense and is a second degree misdemeanor for a second or subsequent offense; providing penalties; creating s. 985.4055, F.S.; providing definitions; requiring the department to adopt rules establishing a protective action response policy; specifying when verbal and physical intervention techniques may be used; specifying prohibited uses of mechanical restraints; prohibiting use of aerosol and chemical agents; requiring the department to adopt rules establishing protection action response training curriculums and certification procedures; requiring department and provider employees to be certified in protective action response within a specified number of days; creating s. 985.4056, F.S.; creating the Juvenile Justice Accountability Commission; providing for membership; providing definitions; providing for meetings and voting requirements; providing for an executive director and staff; providing for the commission's budget; providing for reimbursement of per diem and travel expenses; requiring the commission to contract for a comprehensive evaluation, accountability, and reporting system for juvenile justice programs; providing requirements for the system; requiring a report by the system provider; specifying commission duties; requiring a report by the commission; providing for automated access to the juvenile justice information system; requiring the commission to adopt rules; amending s. 985.412, F.S.; directing the Department of Juvenile Justice to collect and analyze specified data; creating and revising definitions; requiring the development of a standard methodology for annually measuring, evaluating, and reporting program outputs and youth outcomes; requiring an annual report; specifying report contents; deleting a requirement for an annual cost data report; deleting a requirement for a cost-benefit analysis of educational programs; revising a cost-effectiveness model for commitment programs; revising a cost-effectiveness report due date; revising requirements for annual quality assurance reporting; providing for termination of juvenile justice contracts and programs in specified circumstances; conforming provisions; deleting obsolete provisions relating to incentive and disincentive proposals and liquidated damages; amending ss. 958.046 and 985.314, F.S.; conforming cross-references and terminology; creating the cost of supervision and care waiver pilot program in the Ninth Judicial Circuit;

requiring waiver of fees imposed under s. 985.2311, F.S., for successful completion of specified parenting classes; providing conditions applicable to such waiver; providing for review of the pilot program and reports by the Office of Program Policy Analysis and Government Accountability; requiring the Juvenile Justice Accountability Commission to contract for the provision of parenting classes; providing for future repeal; providing for a type two transfer of powers, duties, resources, and personnel relating to specified department responsibilities to the Juvenile Justice Accountability Commission; creating a pilot program that authorizes specified courts to select commitment programs for juvenile delinquents; providing definitions; providing the program's purpose; requiring the Department of Juvenile Justice to develop implementation procedures and to publish specified information about commitment programs on its website; providing procedures for the selection of commitment programs by courts; requiring evaluation and reports by the Office of Program Policy Analysis and Government Accountability; specifying department and court responsibilities relating to the reports; providing for future repeal of the pilot program; providing effective dates.

—was read the second time by title.

Representative(s) Culp offered the following:

(Amendment Bar Code: 855553)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Paragraph (e) is added to subsection (1) of section 985.207, Florida Statutes, to read:

985.207 Taking a child into custody.--

(1) A child may be taken into custody under the following circumstances:

(e) When a law enforcement officer has probable cause to believe that a child who is awaiting disposition has violated conditions imposed by the court under s. 985.228(5) in his or her order of adjudication of delinquency.

Nothing in this subsection shall be construed to allow the detention of a child who does not meet the detention criteria in s. 985.215.

Section 2. Subsection (2) and paragraphs (d) and (g) of subsection (5) of section 985.215, Florida Statutes, are amended to read:

985.215 Detention.--

(2) Subject to the provisions of subsection (1), a child taken into custody and placed into nonsecure or home detention care or detained in secure detention care prior to a detention hearing may continue to be detained by the court if:

(a) The child is alleged to be an escapee from a residential commitment program, or an absconder from a nonresidential commitment program, a probation program, or conditional release supervision, or is alleged to have escaped while being lawfully transported to or from a residential commitment program.

(b) The child is wanted in another jurisdiction for an offense which, if committed by an adult, would be a felony.

(c) The child is charged with a delinquent act or violation of law and requests in writing through legal counsel to be detained for protection from an imminent physical threat to his or her personal safety.

(d) The child is charged with committing an offense of domestic violence as defined in s. 741.28 and is detained as provided in s. 985.213(2)(b)3.

(e) The child is charged with possession or discharging a firearm on school property in violation of s. 790.115.

(f) The child is charged with a capital felony, a life felony, a felony of the first degree, a felony of the second degree that does not involve a violation of chapter 893, or a felony of the third degree that is also a crime of violence, including any such offense involving the use or possession of a firearm.

(g) The child is charged with any second degree or third degree felony involving a violation of chapter 893 or any third degree felony that is not also a crime of violence, and the child:

1. Has a record of failure to appear at court hearings after being properly notified in accordance with the Rules of Juvenile Procedure;

2. Has a record of law violations prior to court hearings;

3. Has already been detained or has been released and is awaiting final disposition of the case;

4. Has a record of violent conduct resulting in physical injury to others; or

5. Is found to have been in possession of a firearm.

(h) The child is alleged to have violated the conditions of the child's probation or conditional release supervision. However, a child detained under this paragraph may be held only in a consequence unit as provided in s. 985.231(1)(a)1.c. If a consequence unit is not available, the child shall be placed on home detention with electronic monitoring.

(i) The child is detained on a judicial order for failure to appear and has previously willfully failed to appear, after proper notice, for an adjudicatory hearing on the same case regardless of the results of the risk assessment instrument. A child may be held in secure detention for up to 72 hours in advance of the next scheduled court hearing pursuant to this paragraph. The child's failure to keep the clerk of court and defense counsel informed of a current and valid mailing address where the child will receive notice to appear at court proceedings does not provide an adequate ground for excusal of the child's nonappearance at the hearings.

(j) The child is detained on a judicial order for failure to appear and has previously willfully failed to appear, after proper notice, at two or more court hearings of any nature on the same case regardless of the results of the risk assessment instrument. A child may be held in secure detention for up to 72 hours in advance of the next scheduled court hearing pursuant to this paragraph. The child's failure to keep the clerk of court and defense counsel informed of a current and valid mailing address where the child will receive notice to appear at court proceedings does not provide an adequate ground for excusal of the child's nonappearance at the hearings.

(k) At his or her adjudicatory hearing, the child has been found to have committed a delinquent act or violation of law and has previously willfully failed to appear, after proper notice, for other delinquency court proceedings of any nature regardless of the results of the risk assessment instrument. A child may be held in secure detention or, at the discretion of the court and if available, placed on home detention with electronic monitoring until the child's disposition order is entered in his or her case. The child's failure to keep the clerk of court and defense counsel informed of a current and valid mailing address where the child will receive notice to appear at court proceedings does not provide an adequate ground for excusal of the child's nonappearance at the hearings.

A child who meets any of these criteria and who is ordered to be detained pursuant to this subsection shall be given a hearing within 24 hours after being taken into custody. The purpose of the detention hearing is to determine the existence of probable cause that the child has committed the delinquent act or violation of law with which he or she is charged and the need for continued detention, except where the child is alleged to have absconded from a nonresidential commitment program in which case the court, at the detention hearing, shall order that the child be released from detention and returned to his or her nonresidential commitment program. Unless a child is detained under paragraph (d), ~~or~~ paragraph (e), or paragraph (k), the court shall use the results of the risk assessment performed by the juvenile probation officer and, based on the criteria in this subsection, shall determine the need for continued detention. A child placed into secure, nonsecure, or home detention care may continue to be so detained by the court pursuant to this subsection. If the court orders a placement more restrictive than indicated by the results of the risk assessment instrument, the court shall state, in writing, clear and convincing reasons for such placement. Except as provided in s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b), paragraph (10)(c), or paragraph (10)(d), when a child is placed into secure or nonsecure detention care, or into a respite home or other placement pursuant to a court order following a hearing, the court order must include specific instructions that direct the release of the child from such placement no later than 5 p.m. on the last day of the detention period specified in paragraph (5)(b) or paragraph (5)(c), or subparagraph (10)(a)1., whichever is applicable, unless the requirements of such applicable provision have been met or an order of continuance has been granted pursuant to paragraph (5)(f).

(5)

(d) Except as provided in paragraph (2)(k), paragraph (g), or s. 985.228(5), a child may not be held in secure, nonsecure, or home detention care for more than 15 days following the entry of an order of adjudication.

(g) Upon good cause being shown that the nature of the charge requires additional time for the prosecution or defense of the case, the court may extend the time limits for detention specified in paragraph (c) or paragraph (d) an additional 9 days if the child is charged with an offense that would be, if committed by an adult, a capital felony, a life felony, a felony of the first degree, or a felony of the second degree involving violence against any individual.

Section 3. Subsection (5) of section 985.228, Florida Statutes, is amended to read:

985.228 Adjudicatory hearings; withheld adjudications; orders of adjudication.--

(5)(a) If the court finds that the child named in a petition has committed a delinquent act or violation of law, but elects not to proceed under subsection (4), it shall incorporate that finding in an order of adjudication of delinquency entered in the case, briefly stating the facts upon which the finding is made, and the court shall thereafter have full authority under this chapter to deal with the child as adjudicated.

(b) The order of adjudication of delinquency under paragraph (a) shall also include conditions that must be followed by the child until a disposition order is entered in his or her case. These conditions must include, but are not limited to, specifying that the child, during any period of time that he or she:

1. Is not in secure detention, must comply with a curfew; must attend school or another educational program, if eligible; and is prohibited from engaging in ungovernable behavior.

2. Is in secure detention, is prohibited from engaging in ungovernable behavior.

(c) For purposes of this subsection, the term "ungovernable behavior" means:

1. The child's failing to obey the reasonable and lawful demands of the child's parent or legal guardian and, where applicable, the reasonable and lawful demands of a person responsible for supervising the child while he or she is in school, another educational program, or secure detention.

2. The child engaging in behavior that evidences a risk that the child may fail to appear for future court proceedings or may inflict harm upon others or the property of others.

3. Other behavior of the child as specified in writing by the court in the order of adjudication of delinquency.

(d) If a child willfully violates a condition contained in his or her order of adjudication of delinquency, the court may find the child in direct or indirect contempt of court under s. 985.216; however, notwithstanding s. 985.216 and the results of the risk assessment instrument, the child's sanctions for such contempt of court shall be placement in secure detention or, at the discretion of the court and if available, on home detention with electronic monitoring until the child's disposition order is entered in his or her case.

Section 4. Paragraph (a) of subsection (1) of section 985.31, Florida Statutes, is amended to read:

985.31 Serious or habitual juvenile offender.--

(1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to the provisions of this chapter and the establishment of appropriate program guidelines and standards, contractual instruments, which shall include safeguards of all constitutional rights, shall be developed as follows:

(a) The department shall provide for:

1. The oversight of implementation of assessment and treatment approaches.

2. The identification and prequalification of appropriate individuals or not-for-profit organizations, including minority individuals or organizations when possible, to provide assessment and treatment services to serious or habitual delinquent children.

3. The monitoring and evaluation of assessment and treatment services for compliance with the provisions of this chapter and all applicable rules and guidelines pursuant thereto.

~~4. The development of an annual report on the performance of assessment and treatment to be presented to the Governor, the Attorney General, the~~

~~President of the Senate, the Speaker of the House of Representatives, and the Auditor General no later than January 1 of each year.~~

Section 5. Paragraph (a) of subsection (1) of section 985.311, Florida Statutes, is amended to read:

985.311 Intensive residential treatment program for offenders less than 13 years of age.--

(1) ASSESSMENT AND TREATMENT SERVICES.--Pursuant to the provisions of this chapter and the establishment of appropriate program guidelines and standards, contractual instruments, which shall include safeguards of all constitutional rights, shall be developed for intensive residential treatment programs for offenders less than 13 years of age as follows:

(a) The department shall provide for:

1. The oversight of implementation of assessment and treatment approaches.

2. The identification and prequalification of appropriate individuals or not-for-profit organizations, including minority individuals or organizations when possible, to provide assessment and treatment services to intensive offenders less than 13 years of age.

3. The monitoring and evaluation of assessment and treatment services for compliance with the provisions of this chapter and all applicable rules and guidelines pursuant thereto.

~~4. The development of an annual report on the performance of assessment and treatment to be presented to the Governor, the Attorney General, the President of the Senate, the Speaker of the House of Representatives, the Auditor General, and the Office of Program Policy Analysis and Government Accountability no later than January 1 of each year.~~

Section 6. Subsection (5) of section 985.317, Florida Statutes, is amended to read:

985.317 Literacy programs for juvenile offenders.--

~~(5) EVALUATION AND REPORT. The department, in consultation with the Department of Education, shall develop and implement an evaluation of the literacy program in order to determine the impact of the programs on recidivism. The department shall submit an annual report on the implementation and progress of the programs to the President of the Senate and the Speaker of the House of Representatives by January 1 of each year.~~

Section 7. Section 985.3142, Florida Statutes, is created to read:

985.3142 Failure to return from a temporary release.--The willful failure of a child to return to a residential commitment facility described in s. 985.03(46) within the time authorized for a temporary release shall:

(1) For a first offense, constitute absconding and such offense shall be treated in the same manner as absconding from a nonresidential commitment facility under this chapter, except that under s. 985.215(2) the court shall order that the child be returned to his or her residential commitment facility at the child's detention hearing.

(2) For a second or subsequent offense, constitute a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 8. Section 985.412, Florida Statutes, is amended to read:

985.412 Program review and reporting requirements ~~Quality assurance and cost effectiveness.--~~

(1) LEGISLATIVE PURPOSE.--It is the intent of the Legislature that the department:

(a) Ensure that information be provided to decisionmakers in a timely manner so that resources are allocated to programs that ~~of the department~~ which achieve desired performance levels.

(b) Collect and analyze available statistical data for the purpose of ongoing evaluation of all programs.

~~(c)(b)~~ Provide information about the cost of such programs and their differential effectiveness so that program ~~the quality may of such programs~~ can be compared and improvements made continually.

~~(d)(c)~~ Provide information to aid in developing related policy issues and concerns.

~~(e)(d)~~ Provide information to the public about the effectiveness of such programs in meeting established goals and objectives.

~~(f)(e)~~ Provide a basis for a system of accountability so that each youth ~~client~~ is afforded the best programs to meet his or her needs.

(g)(f) Improve service delivery to youth clients.

~~(h)(g)~~ Modify or eliminate activities that are not effective.

(2) DEFINITIONS.--As used in this section, the term:

(a) "Youth" "Client" means any person who is being provided treatment or services by the department or by a provider under contract with the department.

(b) "Program" means any facility, service, or program for youth that is operated by the department or by a provider under contract with the department.

~~(c)(b)~~ "Program component" means an aggregation of generally related objectives which, because of their special character, related workload, and interrelated output, can logically be considered an entity for purposes of organization, management, accounting, reporting, and budgeting.

~~(e)~~ "Program effectiveness" means the ability of the program to achieve desired client outcomes, goals, and objectives.

(d) "Program group" means a collection of programs with sufficient similarity of function, services, and youth to permit appropriate comparisons among programs within the group.

(3) OUTCOME EVALUATION.--The department, in consultation with the Office of Economic and Demographic Research, the Office of Program Policy Analysis and Government Accountability, and contract service providers, shall develop and use a standard methodology for annually measuring, evaluating, and reporting program outputs and youth outcomes for each program and program group.

(a) The standard methodology must:

1. Incorporate, whenever possible, performance-based budgeting measures.

2. Include common terminology and operational definitions for measuring the performance of system and program administration, program outputs, and youth outcomes.

3. Specify program outputs for each program and for each program group within the juvenile justice continuum.

4. Specify desired youth outcomes and methods by which to measure youth outcomes for each program and program group.

(b) By February 15 of each year, the department shall submit to the appropriate substantive and fiscal committees of each house of the Legislature and the Governor a report that identifies and describes:

1. The standard methodology implemented under paragraph (a).

2. The programs offered within each program group.

3. The demographic profile and offense history of youth served in each program group.

4. The actual program outputs and youth outcomes achieved in each program group. The department shall annually collect and report cost data for every program operated or contracted by the department. The cost data shall conform to a format approved by the department and the Legislature. Uniform cost data shall be reported and collected for state-operated and contracted programs so that comparisons can be made among programs. The department shall ensure that there is accurate cost accounting for state-operated services including market equivalent rent and other shared cost. The cost of the educational program provided to a residential facility shall be reported and included in the cost of a program. The department shall submit an annual cost report to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of each house of the Legislature, the appropriate substantive and fiscal committees of each house of the Legislature, and the Governor, no later than December 1 of each year. Cost-benefit analysis for educational programs will be developed and implemented in collaboration with and in cooperation with the Department of Education, local providers, and local school districts. Cost data for the report shall include data collected by the Department of Education for the purposes of preparing the annual report required by s. 1003.52(19).

~~(4)(a)~~ PROGRAM ACCOUNTABILITY MEASURES.--The department of Juvenile Justice, in consultation with the Office of Economic and Demographic Research; and contract service providers, shall develop a cost-effectiveness model and apply the model to each commitment program. Program recidivism rates shall be a component of the model.

(a) The cost-effectiveness model shall compare program costs to expected and actual youth recidivism rates client outcomes and program outputs. It is the intent of the Legislature that continual development efforts take place to

improve the validity and reliability of the cost-effectiveness model ~~and to integrate the standard methodology developed under s. 985.401(4) for interpreting program outcome evaluations.~~

(b) The department shall rank commitment programs based on the cost-effectiveness model and shall submit a report to the appropriate substantive and fiscal committees of each house of the Legislature by January 15 ~~December 31~~ of each year.

(c) Based on ~~reports of the department on client outcomes and program outputs and on~~ the department's most recent cost-effectiveness rankings, the department may terminate a commitment program ~~operated by the department or a provider~~ if the program has failed to achieve a minimum threshold of cost-effectiveness program effectiveness. This paragraph does not preclude the department from terminating a contract as provided under this section or as otherwise provided by law or contract, and does not limit the department's authority to enter into or terminate a contract.

(d) In collaboration with the Office of Economic and Demographic Research, and contract service providers, the department shall develop a work plan to refine the cost-effectiveness model so that the model is consistent with the performance-based program budgeting measures approved by the Legislature to the extent the department deems appropriate. The department shall notify the Office of Program Policy Analysis and Government Accountability of any meetings to refine the model.

(e) Contingent upon specific appropriation, the department, in consultation with the Office of Economic and Demographic Research; and contract service providers, shall:

1. Construct a profile of each commitment program that uses the results of the quality assurance report required by this section, the cost-effectiveness report required in this subsection, and other reports available to the department.

2. Target, for a more comprehensive evaluation, any commitment program that has achieved consistently high, low, or disparate ratings in the reports required under subparagraph 1.

3. Identify the essential factors that contribute to the high, low, or disparate program ratings.

4. Use the results of these evaluations in developing or refining juvenile justice programs or program models, youth client outcomes and program outputs, provider contracts, quality assurance standards, and the cost-effectiveness model.

(5) QUALITY ASSURANCE.--The department shall:

(a) Establish a comprehensive quality assurance system for each program ~~operated by the department or operated by a provider under contract with the department~~. Each contract entered into by the department must provide for quality assurance.

(b) Provide operational definitions of and criteria for quality assurance for each specific program component.

(c) Establish quality assurance goals and objectives for each specific program component.

(d) Establish the information and specific data elements required for the quality assurance program.

(e) Develop a quality assurance manual of specific, standardized terminology and procedures to be followed by each program.

(f) Evaluate each program ~~operated by the department or a provider under a contract with the department~~ and establish minimum thresholds for each program component. If a provider fails to meet the established minimum thresholds, such failure shall cause the department to cancel the provider's contract unless the provider achieves compliance with minimum thresholds within 6 months or unless there are documented extenuating circumstances. In addition, the department may not contract with the same provider for the canceled service for a period of 12 months. If a department-operated program fails to meet the established minimum thresholds, the department must take necessary and sufficient steps to ensure and document program changes to achieve compliance with the established minimum thresholds. If the department-operated program fails to achieve compliance with the established minimum thresholds within 6 months and if there are no documented extenuating circumstances, the department must notify the Executive Office of the Governor and the Legislature of the corrective action taken. Appropriate corrective action may include, but is not limited to:

1. Contracting out for the services provided in the program;
2. Initiating appropriate disciplinary action against all employees whose conduct or performance is deemed to have materially contributed to the program's failure to meet established minimum thresholds;
3. Redesigning the program; or
4. Realigning the program.

(g) ~~The department shall~~ Submit an annual report to the President of the Senate, the Speaker of the House of Representatives, the minority leader of each house of the Legislature, the appropriate substantive and fiscal committees of each house of the Legislature, and the Governor ~~by no later than February 1 of each year.~~ The annual report must contain, at a minimum, for each ~~specific program component~~:

1. A comprehensive description of the population served, ~~by the program;~~
2. A specific description of ~~its the~~ services;
3. A summary of the performance of each program component evaluated. ~~provided by the program;~~
4. Cost data that is reported in a uniform format so that cost comparisons may be made among programs. For a residential program, the cost data must include the cost of its educational program.;
5. A comparison of expenditures to federal and state funding.;
6. Immediate and long-range concerns.;
7. Recommendations to maintain, expand, improve, modify, or eliminate each program component so that changes in services lead to enhancement in program quality. ~~The department shall ensure the reliability and validity of the information contained in the report.~~

(6) ~~The department shall collect and analyze available statistical data for the purpose of ongoing evaluation of all programs. The department shall provide the Legislature with necessary information and reports to enable the Legislature to make informed decisions regarding the effectiveness of, and any needed changes in, services, programs, policies, and laws.~~

(7) ~~No later than November 1, 2001, the department shall submit a proposal to the Legislature concerning funding incentives and disincentives for the department and for providers under contract with the department. The recommendations for funding incentives and disincentives shall be based upon both quality assurance performance and cost-effectiveness performance. The proposal should strive to achieve consistency in incentives and disincentives for both department operated and contractor provided programs. The department may include recommendations for the use of liquidated damages in the proposal; however, the department is not presently authorized to contract for liquidated damages in non hardware secure facilities until January 1, 2002.~~

Section 9. Judicial discretion to select commitment programs; pilot program.--

(1) The definitions contained in s. 985.03, Florida Statutes, apply to this section. Additionally, for purposes of this section, the term:

(a) "Available placement" means a commitment program for which the department has determined the youth is eligible.

(b) "Commitment program" means a facility, service, or program operated by the department or by a provider under contract with the department within a restrictiveness level.

(c) "Delinquency court" means a circuit court in the First, Eleventh, Thirteenth, or Twentieth Judicial Circuit.

(d) "Eligible" means a determination that the youth satisfies admission criteria for the commitment program.

(e) "Wait period" means the shortest period of time expected to elapse prior to placement of a youth in a commitment program, as determined by the department based upon anticipated release dates for youth currently in the commitment program.

(2) Between September 1, 2006, and July 1, 2010, a pilot program shall be conducted in the First, Eleventh, Thirteenth, and Twentieth Judicial Circuits which authorizes delinquency courts to select commitment programs for youth. The purpose of the pilot program is to identify and evaluate the benefits and disadvantages of affording such judicial discretion prior to legislative consideration of statewide implementation.

(3) Before August 31, 2006, the department shall:

(a) Develop, in consultation with delinquency court judges, procedures to implement this section.

(b) Publish on its Internet website information that identifies the name and address of each commitment program and that describes for each identified commitment program the population of youth served; the maximum capacity; the services offered; the admission criteria; the most recent recidivism rates; and the most recent cost-effectiveness rankings and quality assurance results under s. 985.412, Florida Statutes. The department shall continually update information published under this paragraph as modifications occur.

(4) Between September 1, 2006, and July 1, 2010, a delinquency court may:

(a) Order the department to include in a youth's predisposition report a list of all available placements within each restrictiveness level identified by the court or recommended by the department. The list shall also indicate the wait period for each available placement identified by the department.

(b)1. Specify for a youth committed by the court an available placement identified in the listing under paragraph (a), which has a wait period of 30 calendar days or less for a minimum-risk nonresidential, low-risk residential, moderate-risk residential, or high-risk residential commitment program or a wait period of 20 calendar days or less for a maximum-risk residential commitment program; or

2. Alternatively, a delinquency court may specify:

a. An available placement with a wait period in excess of those identified in subparagraph 1., if the court states reasons on the record establishing by a preponderance of the evidence that the available placement is in the youth's best interest; or

b. A commitment program that is not listed as an available placement, if the court states reasons on the record establishing by a preponderance of the evidence that the youth is eligible for the commitment program and that the commitment program is in the youth's best interest.

(5) When a delinquency court specifies an available placement or commitment program for a youth under paragraph (4)(b), the youth shall be placed, as specified by the court, when the next regularly scheduled opening occurs after the placement of other youth who were previously committed and waiting for that program.

(6)(a) The Office of Program Policy Analysis and Government Accountability shall conduct a longitudinal evaluation of the pilot program created by this section and shall submit a written report to the appropriate substantive and fiscal committees of the Legislature and to the Governor on January 1, 2008, and annually thereafter, which identifies, according to judicial circuit and restrictiveness level, the following data, as it becomes available, for the pilot program period:

1. The number of youth committed to the department by a delinquency court.

2. The number of youth placed by a delinquency court in an available placement under subparagraph (4)(b)1. and sub-subparagraph (4)(b)2.a. and in a commitment program under sub-subparagraph (4)(b)2.b.

3. The number of youth placed in a department-specified commitment program.

4. The average wait period for, and the average number of days spent by youth in secure detention while awaiting placement in, delinquency court-specified commitment programs and department-specified commitment programs.

5. The number of youth who complete, and who are otherwise released from, delinquency court-specified commitment programs and department-specified commitment programs.

6. Educational achievements made by youth while participating in delinquency court-specified commitment programs and department-specified commitment programs.

7. The number of youth who are taken into custody for a felony or misdemeanor within 6 months following completion of delinquency court-specified commitment programs and department-specified commitment programs.

(b) Before August 31, 2006:

1. The department, in consultation with the Office of Program Policy Analysis and Government Accountability, shall develop reporting protocols to collect and maintain data necessary for the report required by this subsection.

2. The Office of Program Policy Analysis and Government Accountability, in consultation with staff of the appropriate substantive and fiscal committees of the Legislature, shall develop common terminology and operational definitions for the measurement of data necessary for the report required by this subsection.

(c) The reports required under paragraph (a) to be submitted on January 1, 2009, and January 1, 2010, must also include:

1. Findings by the Office of Program Policy Analysis and Government Accountability, the department, and delinquency courts regarding the benefits and disadvantages of authorizing courts to select commitment programs.

2. Recommendations by the Office of Program Policy Analysis and Government Accountability, the department, and delinquency courts, if found to be warranted, for amendments to current statutes addressing commitment.

(7) This section is repealed effective July 1, 2010.

Section 10. Task force on juvenile cruelty to animals.--

(1) The Legislature recognizes that multiple research studies have found statistically significant correlations between acts of animal cruelty by juveniles and violent behavior against persons and that a literature review conducted by the federal Office of Juvenile Justice Delinquency Prevention found that juvenile animal cruelty may be characteristic of the developmental histories of 25 to 60 percent of violent adult offenders. The Legislature further recognizes that it is critical for the rehabilitation of juvenile animal cruelty offenders and for the protection of society that the Legislature establish a policy requiring the Department of Juvenile Justice to assess the specific rehabilitation needs of juvenile animal cruelty offenders and to provide programs that will treat these offenders and halt further antisocial conduct.

(2) For purposes of this section, the term:

(a) "Department" means the Department of Juvenile Justice.

(b) "Juvenile animal cruelty offender" means a juvenile referred to the department who has violated s. 828.12, Florida Statutes, or who otherwise has a history of engaging in one or more acts of animal cruelty.

(3) There is created a task force to review and evaluate the state's laws that define and address animal cruelty and the department's practices for treating and rehabilitating juvenile animal cruelty offenders. The task force shall make findings that include, but are not limited to:

(a) Identification of statutes that address animal cruelty.

(b) Compilation of statistics regarding the number of juveniles in this state who have been found, between July 1, 2001, and June 30, 2006, to have committed an act of animal cruelty in violation of s. 828.12, Florida Statutes, and identification of the disposition imposed in each of those cases.

(c) A profile of the delinquency and criminal histories of the juveniles involved in the cases identified in paragraph (b) before and after commission of the act of animal cruelty.

(d) A summary of the department's methods for identifying juvenile animal cruelty offenders who are referred to the department for a delinquent act other than a violation of s. 828.12, Florida Statutes.

(e) Identification of the department's practices, procedures, and programs for the treatment and rehabilitation of juvenile animal cruelty offenders.

(f) A summary of research regarding juvenile animal cruelty offenders and of any recommendations contained therein for the treatment and rehabilitation of these offenders.

(g) Identification of best and evidence-based practices and model programs used in other jurisdictions for the treatment and rehabilitation of juvenile animal cruelty offenders.

(4) Based on its findings, the task force shall make recommendations for the improvement of the state's policies and laws that address juvenile animal cruelty. Such recommendations shall specifically include, but are not limited to, identification of methods to assess the needs of juvenile animal cruelty offenders, treatment programs that will best rehabilitate juvenile animal cruelty offenders, service delivery mechanisms to ensure that recommended treatment programs are available statewide, and any funding needs above existing resources to ensure adequate availability of recommended treatment programs.

(5) On or before August 1, 2006, the secretary of the department shall appoint up to 12 members to the task force. The task force membership shall include, but is not limited to: three persons who collectively have experience with the conduct of juvenile animal cruelty research and with the treatment and

rehabilitation of juvenile animal cruelty offenders; two department employees who collectively are responsible for research and planning and delinquency prevention and treatment programming; and two representatives of providers of juvenile delinquency prevention, treatment, and rehabilitation services.

(6) The task force shall submit a written report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2007.

(7) Administrative support for the task force shall be provided by the department. Members of the task force shall serve without compensation, but are entitled to reimbursement under s. 112.061, Florida Statutes, for travel and per diem expenses incurred in the performance of their official duties. The task force shall strive to minimize travel and per diem expenses by performing, when practicable, its duties in the location where the majority of task force members reside.

(8) The task force shall be dissolved upon submission of its report.

Section 11. Task Force on Juvenile Sexual Offenders and their Victims.--

(1) For purposes of this section, the term:

(a) "Department" means the Department of Juvenile Justice.

(b) "Task force" means the 2006 Task Force on Juvenile Sexual Offenders and their Victims.

(2) On or before August 1, 2006, there shall be created a task force to continue the evaluation of the state's juvenile sexual offender laws that was conducted by the 2005 Task Force on Juvenile Sexual Offenders and their Victims, as created in s. 10 of chapter 2005-263, Laws of Florida.

(3) The secretary of the department shall appoint up to 12 members to the task force, who shall include, but are not limited to, a circuit court judge with at least 1 year of experience in the juvenile division, a state attorney with at least 1 year of experience in the juvenile division, a public defender with at least 1 year of experience in the juvenile division, two representatives of the department, one member from the Florida Juvenile Justice Association, two members from providers of juvenile sexual offender services, one member from the Florida Association for the Treatment of Sexual Abusers, and one victim advocate.

(4) The task force shall:

(a) Review the findings and recommendations contained in the final report of the 2005 Task Force on Juvenile Sexual Offenders and their Victims, including the recommendations specified in Appendix II of that report, and identify each recommendation that has not yet been implemented.

(b) Determine which recommendations reviewed under paragraph (a) remain appropriate for implementation.

(c) Make additional recommendations, if warranted, for the improvement of the state's laws, policies, programs, and funding for juvenile sexual offenders.

(d) Submit a written report to the Governor and the appropriate substantive and fiscal committees of the Legislature no later than January 1, 2007, that:

1. Discusses each state law addressing juvenile sexual offenders.

2. Specifically identifies statutory criteria that should be satisfied before a juvenile is classified as a sexual offender or placed in sexual offender programming.

3. Sets forth detailed findings in support of each recommendation under paragraphs (b) and (c) and a comprehensive plan for implementation of these recommendations, including proposed amendments to statute to redefine the term "juvenile sexual offender" and modifications of state agency rules, practices, and procedures.

(5) The department shall provide administrative support for the task force. Members of the task force shall receive no salary from the state beyond any salary already received from their sponsoring agencies, if any, and are not entitled to reimbursement for travel and per diem expenses.

(6) The task force shall be dissolved upon submission of its report.

Section 12. This act shall take effect July 1, 2006.

===== TITLE AMENDMENT =====

Remove the entire title and insert:

A bill to be entitled

An act relating to juvenile justice; amending s. 985.207, F.S.; permitting a law enforcement officer to take a child into custody for a violation of adjudication

order conditions; amending s. 985.215, F.S.; permitting specified types of postadjudication detention for a child who has previously failed to appear at delinquency court proceedings regardless of risk assessment instrument results; providing exceptions that permit postadjudication detention until the child's disposition order is entered in his or her case; conforming cross-references; amending s. 985.228, F.S.; requiring a court to include specified conditions in a child's order of adjudication of delinquency that apply during the postadjudication and predisposition period; providing a definition; permitting a court to find a child in contempt of court for a violation of adjudication order conditions; providing sanctions; amending s. 985.31, F.S.; deleting a requirement for a report on serious or habitual juvenile offenders; amending s. 985.311, F.S.; deleting a requirement for a report on intensive residential treatment; amending s. 985.317, F.S.; deleting a requirement for a report on literacy programs for juvenile offenders; creating s. 985.3142, F.S.; providing that the willful failure of a child to return to a residential commitment facility within the time authorized for a temporary release is absconding for a first offense and is a second degree misdemeanor for a second or subsequent offense; providing penalties; amending s. 985.412, F.S.; directing the Department of Juvenile Justice to collect and analyze specified data; creating and revising definitions; requiring the development of a standard methodology for annually measuring, evaluating, and reporting program outputs and youth outcomes; requiring an annual report; specifying report contents; deleting a requirement for an annual cost data report; deleting a requirement for a cost-benefit analysis of educational programs; revising a cost-effectiveness model for commitment programs; revising a cost-effectiveness report due date; revising requirements for annual quality assurance reporting; conforming provisions; deleting obsolete provisions relating to incentive and disincentive proposals and liquidated damages; creating a pilot program that authorizes specified courts to select commitment programs for juvenile delinquents; providing definitions; providing the program's purpose; requiring the Department of Juvenile Justice to develop implementation procedures and to publish specified information about commitment programs on its website; providing procedures for the selection of commitment programs by courts; requiring evaluation and reports by the Office of Program Policy Analysis and Government Accountability; specifying department and court responsibilities relating to the reports; providing for future repeal of the pilot program; creating a task force on juvenile cruelty to animals; providing powers and duties; requiring the task force to consider specified issues and make recommendations; providing membership; requiring a report; providing for administrative support and travel reimbursement; providing for dissolution of the task force; creating a Task Force on Juvenile Sexual Offenders and their Victims; providing definitions; providing membership; providing duties; requiring a report; providing for administrative support; prohibiting per diem and travel reimbursement; providing for dissolution of the task force; providing an effective date.

Rep. Culp moved the adoption of the amendment.

On motion by Rep. Goodlette, further consideration of **HB 335**, with pending amendment, was temporarily postponed and placed on Unfinished Business.

HB 715—A bill to be entitled An act relating to trauma services; amending s. 395.4001, F.S.; providing definitions; repealing s. 395.4035, F.S., to terminate the Trauma Services Trust Fund; amending s. 395.4036, F.S.; revising provisions relating to distribution of funds to trauma centers and use thereof; amending s. 395.404, F.S.; requiring an annual audit of Trauma Registry data; providing an effective date.

The Health & Families Council recommended the following:

HB 715 CS—A bill to be entitled An act relating to hospital licensing and regulation; amending s. 395.003, F.S.; prohibiting authorization of additional emergency departments located off the premises of licensed hospitals until the Agency for Health Care Administration adopts rules; amending s. 395.1055, F.S.; requiring the agency to adopt rules by a specified date to establish

licensure standards for emergency departments located off the premises of licensed hospitals; requiring the rules to address certain topics; amending s. 395.4001, F.S.; providing definitions; repealing s. 395.4035, F.S., to terminate the Trauma Services Trust Fund; amending s. 395.4036, F.S.; revising provisions relating to distribution of funds to trauma centers and use thereof; creating s. 395.41, F.S.; establishing a trauma center startup grant program; providing conditions for the receipt of a startup grant; providing limitations; making the trauma center startup grant program subject to an appropriation in the General Appropriations Act; providing a contingent effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

On motion by Rep. Goodlette, the rules were waived and the House moved to the order of—

Bills and Joint Resolutions on Third Reading

On motion by Rep. Hays, consideration of **HB 127** was temporarily postponed.

THE SPEAKER IN THE CHAIR

HB 7073—A bill to be entitled An act relating to health care information; providing a short title; providing purpose; amending s. 408.05, F.S.; renaming the State Center for Health Statistics; revising criteria for collection and use of certain health-related data; providing responsibilities of the Agency for Health Care Administration; providing for agency consultation with the State Consumer Health Information and Policy Advisory Council for the dissemination of certain consumer information; requiring the Florida Center for Health Information and Policy Analysis to provide certain technical assistance services; authorizing the agency to monitor certain grants; removing a provision that establishes the Comprehensive Health Information System Trust Fund as the repository of certain funds; renaming the State Comprehensive Health Information System Advisory Council; providing for duties and responsibilities of the State Consumer Health Information and Policy Advisory Council; providing for membership, terms, officers, and meetings; amending s. 408.061, F.S.; providing for health care providers to submit additional data to the agency; correcting a reference; amending s. 408.062, F.S.; revising provisions relating to availability of specified information on the agency's Internet website; requiring a report; removing an obsolete provision; authorizing the agency to develop an electronic health information network; amending ss. 20.42, 381.001, 395.602, 395.6025, 408.07, and 408.18, F.S.; conforming references to changes made by the act; amending ss. 381.026, 395.301, 627.6499, and 641.54, F.S.; conforming a cross-reference; amending s. 465.0244, F.S.; conforming a cross-reference; prohibiting pharmacies from entering into contracts with insurers and health maintenance organizations under certain circumstances; providing communication criteria for pharmacies, health insurers, health maintenance organizations, and any agent, employee, administrator, intermediary, assignee, or designee thereof; providing responsibility of the Agency for Health Care Administration for security of certain data and backup systems; providing requirements for a secure storage facility; providing an effective date.

—was read the third time by title.

Representative(s) Garcia offered the following:

(Amendment Bar Code: 367433)

Amendment 4 (with title amendment)—Remove line(s) 757-779 and insert:

465.0244 Information disclosure.--Every pharmacy shall make available on its Internet website a link to the performance outcome and financial data that is published by the Agency for Health Care Administration pursuant to s. 408.05(3)(k) and shall place in the area where customers receive filled

prescriptions notice that such information is available electronically and the address of its Internet website.

===== T I T L E A M E N D M E N T =====

Remove line(s) 32-37 and insert:
providing

Rep. Garcia moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of HB 7073. The vote was:

Session Vote Sequence: 983

Speaker Bense in the Chair.

Yeas—114

Adams	Cusack	Hukill	Quinones
Allen	Davis, D.	Jennings	Reagan
Altman	Davis, M.	Johnson	Rice
Ambler	Dean	Jordan	Richardson
Anderson	Detert	Joyner	Rivera
Antone	Domino	Justice	Robaina
Arza	Evers	Kottkamp	Roberson
Attkisson	Farkas	Kravitz	Rubio
Ausley	Fields	Kyle	Russell
Barreiro	Flores	Legg	Ryan
Baxley	Gannon	Littlefield	Sands
Bean	Garcia	Llorente	Sansom
Bense	Gardiner	Lopez-Cantera	Seiler
Benson	Gelber	Machek	Simmons
Berfield	Gibson, A.	Mahon	Slosberg
Bilirakis	Gibson, H.	Mayfield	Smith
Bogdanoff	Glorioso	McInvale	Sobel
Bowen	Goldstein	Meadows	Sorensen
Brandenburg	Goodlette	Mealor	Stansel
Brown	Gottlieb	Murzin	Stargel
Brummer	Grant	Needelman	Taylor
Bucher	Greenstein	Negron	Traviesa
Bullard	Grimsley	Patterson	Troutman
Cannon	Harrell	Peterman	Vana
Carroll	Hasner	Pickens	Waters
Clarke	Hays	Planas	Williams
Coley	Henriquez	Poppell	Zapata
Cretul	Holloway	Porth	
Culp	Homan	Proctor	

Nays—None

Votes after roll call:

Yeas—Bendross-Mindingall

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

On motion by Rep. Goodlette, consideration of **HJR 447**, **HB 135**, and **HB 7103** was temporarily postponed.

HB 1237—A bill to be entitled An act relating to special postsecondary education programs; creating s. 1004.226, F.S.; creating the 21st Century Technology, Research, and Scholarship Enhancement Act; providing legislative findings and intent; providing definitions; creating the Florida Technology, Research, and Scholarship Board within the Board of Governors of the State University System; providing for members of the board; providing for terms; providing for board members to be reimbursed for per diem and expenses incurred in the performance of their duties; requiring that the Board of Governors of the State University System provide staff support and other support for the board; requiring that the board provide recommendations for the 21st Century World Class Scholars Program and the Centers of Excellence Program; authorizing the board to form committees and consult with certain other entities; providing for the 21st Century World Class Scholars Program to provide matching funds to state universities; providing guidelines for the board in the development of criteria for recommendation to the Board of

Governors; requiring a minimum investment of funds; specifying the purposes of the Centers of Excellence; specifying entities eligible to submit proposals; requiring the board to recommend to the Board of Governors criteria for approving proposals to create or expand a Center of Excellence, to solicit proposals, and to recommend proposals that meet such criteria; requiring documentation if funds are approved for a Center of Excellence in excess of a specified amount; requiring reports by Centers of Excellence and the Board of Governors; providing for expiration of the act; creating s. 1004.635, F.S.; creating the State University System Research and Economic Development Investment Program to provide matching funds to institutions to construct and acquire facilities and equipment to support research programs and foster economic development; providing for administration by the Board of Governors of the State University System; specifying eligibility criteria for state university participation; providing for the matching of appropriated funds; providing appropriations; creating s. 1004.384, F.S.; authorizing a College of Medicine at the University of Central Florida; creating s. 1004.385, F.S.; authorizing a College of Medicine at Florida International University; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 984

Speaker Bense in the Chair.

Yeas—112

Adams	Culp	Homan	Proctor
Allen	Cusack	Hukill	Quinones
Altman	Davis, D.	Jennings	Reagan
Ambler	Dean	Johnson	Rice
Anderson	Detert	Jordan	Richardson
Antone	Domino	Joyner	Rivera
Arza	Evers	Justice	Robaina
Attkisson	Farkas	Kottkamp	Roberson
Ausley	Fields	Kravitz	Rubio
Barreiro	Flores	Legg	Russell
Baxley	Gannon	Littlefield	Ryan
Bean	Garcia	Llorente	Sands
Bense	Gardiner	Lopez-Cantera	Sansom
Benson	Gelber	Machek	Seiler
Berfield	Gibson, A.	Mahon	Simmons
Bilirakis	Gibson, H.	Mayfield	Slosberg
Bogdanoff	Glorioso	McInvale	Smith
Bowen	Goldstein	Meadows	Sobel
Brandenburg	Goodlette	Mealor	Sorensen
Brown	Gottlieb	Murzin	Stansel
Brummer	Grant	Needelman	Stargel
Bucher	Greenstein	Negron	Taylor
Bullard	Grimsley	Patterson	Traviesa
Cannon	Harrell	Peterman	Troutman
Carroll	Hasner	Pickens	Vana
Clarke	Hays	Planas	Waters
Coley	Henriquez	Poppell	Williams
Cretul	Holloway	Porth	Zapata

Nays—None

Votes after roll call:

Yeas—Bendross-Mindingall, Kyle

So the bill passed, as amended, and was immediately certified to the Senate.

HB 263—A bill to be entitled An act relating to the Florida Prepaid College Board programs; amending s. 1009.97, F.S.; renaming the Florida Prepaid College Program; amending s. 1009.972, F.S.; authorizing funds in the Florida Prepaid Tuition Scholarship Program to be used for certain approved scholarship programs; amending s. 1009.98, F.S.; deleting a restriction on the types of postsecondary educational institutions to which a qualified beneficiary may apply his or her benefits under the Florida Prepaid College Program; requiring certain advertisements to contain a disclaimer regarding the program; conforming provisions; amending s. 1009.983, F.S.;

requiring the direct-support organization of the Florida Prepaid College Board to administer the Florida Prepaid Tuitions Scholarship Program; authorizing the board to establish and administer additional scholarship programs supported from escheated funds retained by the board if the matching funds used for the scholarships are obtained from the private sector; amending s. 732.402, F.S.; conforming provisions; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 985

Speaker Bense in the Chair.

Yeas—113

Adams	Cusack	Hukill	Reagan
Allen	Davis, D.	Jennings	Rice
Altman	Davis, M.	Johnson	Richardson
Ambler	Dean	Jordan	Rivera
Anderson	Detert	Joyner	Robaina
Antone	Domino	Justice	Roberson
Arza	Evers	Kottkamp	Rubio
Attkisson	Farkas	Kravitz	Russell
Ausley	Fields	Kyle	Ryan
Barreiro	Flores	Legg	Sands
Baxley	Gannon	Littlefield	Sansom
Bean	Garcia	Llorente	Seiler
Bense	Gardiner	Lopez-Cantera	Simmons
Benson	Gelber	Machek	Slosberg
Berfield	Gibson, A.	Mahon	Smith
Bilirakis	Gibson, H.	Mayfield	Sobel
Bogdanoff	Glorioso	McInvale	Sorensen
Bowen	Goldstein	Meadows	Stansel
Brandenburg	Goodlette	Mealor	Stargel
Brown	Gottlieb	Murzin	Taylor
Brummer	Grant	Needelman	Traviesa
Bucher	Greenstein	Negron	Troutman
Bullard	Grimsley	Patterson	Vana
Cannon	Harrell	Peterman	Waters
Carroll	Hasner	Pickens	Williams
Clarke	Hays	Planas	Zapata
Coley	Henriquez	Poppell	
Cretul	Holloway	Porth	
Culp	Homan	Quinones	

Nays—1

Proctor

Votes after roll call:

Yeas—Bendross-Mindingall

So the bill passed, as amended, and was immediately certified to the Senate.

HB 899—A bill to be entitled An act relating to regional consortium service organizations; amending s. 1001.451, F.S.; requiring the determination of services and use of funds to be established by the board of directors of a regional consortium service organization; authorizing establishment of purchasing and bidding programs in lieu of individual school district bid arrangements; authorizing establishment of an educational foundation governed by an educational foundation board of directors; providing for use of property, facilities, and personnel services by an educational foundation; requiring audits; providing an effective date.

—was read the third time by title.

Representative(s) Pickens offered the following:

(Amendment Bar Code: 555837)

Amendment 1 (with title amendment)—Remove line(s) 51-73 and insert:

bid arrangements pursuant to policies exercised by its member districts. Participation in regional consortium service organization bids shall be

accomplished by action of an individual district school board through a letter of intent to participate and shall be reflected in official district school board minutes.

(4) A regional consortium service organization board of directors may elect to establish a direct-support organization pursuant to s. 1001.453 which is independent of its fiscal agent district.

===== TITLE AMENDMENT =====

Remove line(s) 9-12 and insert:

establishment of a direct-support organization; providing an

Rep. Pickens moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of HB 899. The vote was:

Session Vote Sequence: 986

Speaker Bense in the Chair.

Yeas—112

Adams	Cusack	Homan	Porth
Allen	Davis, D.	Hukill	Proctor
Altman	Davis, M.	Jennings	Quinones
Ambler	Dean	Johnson	Reagan
Anderson	Detert	Jordan	Rice
Arza	Domino	Joyner	Richardson
Attkisson	Evers	Justice	Rivera
Ausley	Farkas	Kottkamp	Robaina
Barreiro	Fields	Kravitz	Roberson
Baxley	Flores	Kyle	Rubio
Bean	Gannon	Legg	Russell
Bense	Garcia	Littlefield	Ryan
Benson	Gardiner	Llorente	Sands
Berfield	Gelber	Lopez-Cantera	Sansom
Bilirakis	Gibson, A.	Machek	Seiler
Bogdanoff	Gibson, H.	Mahon	Simmons
Bowen	Glorioso	Mayfield	Slosberg
Brandenburg	Goldstein	McInvale	Smith
Brown	Goodlette	Meadows	Sobel
Brummer	Gottlieb	Mealor	Sorensen
Bucher	Grant	Murzin	Stansel
Bullard	Greenstein	Needelman	Stargel
Cannon	Grimsley	Negron	Taylor
Carroll	Harrell	Patterson	Traviesa
Clarke	Hasner	Peterman	Troutman
Coley	Hays	Pickens	Waters
Cretul	Henriquez	Planas	Williams
Culp	Holloway	Poppell	Zapata

Nays—None

Votes after roll call:

Yeas—Antone, Bendross-Mindingall, Vana

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 7097—A bill to be entitled An act relating to postsecondary education; amending s. 1001.44, F.S.; authorizing an articulation agreement for delivery of associate in applied science degree programs by career centers; providing requirements for use of the designation "technical college"; providing a definition; amending s. 1002.34, F.S.; providing for a charter technical career center to use the designation "technical college"; providing a definition; amending s. 1007.22, F.S.; revising provisions relating to establishment of interinstitutional mechanisms by public postsecondary educational institutions; amending s. 1007.23, F.S.; revising components of the statewide articulation agreement; revising terminology; creating s. 1007.234, F.S.; requiring the State Board of Education, in consultation with the Board of Governors, to establish statewide articulation agreements for articulated career paths for specific professions; requiring career paths to provide for the articulation of credit for certain programs and experiential learning; providing

criteria for participation by nonpublic colleges and schools in the statewide articulation agreements for articulated career paths; requiring the Office of Program Policy Analysis and Government Accountability to assess articulation agreements and identify career center programs that may articulate to certain degree programs; requiring the office to review career paths for articulation of credit awarded by public and private institutions; requiring reporting to the Legislature; creating s. 1011.802, F.S.; establishing the School District Career Center Facility Enhancement Challenge Grant Program; authorizing a school district direct-support organization to solicit funds and establish a separate career center capital facilities matching account for private contributions for instructional facility construction projects; providing for match by state appropriations; providing for a portion of the cost of a facility construction project to be provided from a school district's local capital funds; providing State Board of Education requirements relating to capital outlay budget requests for such projects; providing for reversion of funds; creating the Board of Governors Scholarship Matching Pilot Project; providing for funding; providing for annual reports to the Governor and Legislature; providing for future repeal; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 987

Speaker Bense in the Chair.

Yeas—114

Adams	Cusack	Hukill	Quinones
Allen	Davis, D.	Jennings	Reagan
Altman	Davis, M.	Johnson	Rice
Ambler	Dean	Richardson	Rivera
Anderson	Detert	Joyner	Robaina
Antone	Domino	Justice	Roberson
Arza	Evers	Kottkamp	Rubio
Attkisson	Farkas	Kravitz	Russell
Ausley	Fields	Kyle	Ryan
Barreiro	Flores	Legg	Sands
Baxley	Gannon	Littlefield	Sansom
Bean	Garcia	Llorente	Seiler
Bense	Gardiner	Lopez-Cantera	Simmons
Benson	Gelber	Machek	Slosberg
Berfield	Gibson, A.	Mahon	Smith
Bilirakis	Gibson, H.	Mayfield	Sobel
Bogdanoff	Glorioso	McInvale	Sorensen
Bowen	Goldstein	Meadows	Stansel
Brandenburg	Goodlette	Mealor	Stargel
Brown	Gottlieb	Murzin	Taylor
Brummer	Grant	Needelman	Traviesa
Bucher	Greenstein	Negron	Troutman
Bullard	Grimsley	Patterson	Vana
Cannon	Harrell	Peterman	Waters
Carroll	Hasner	Pickens	Williams
Clarke	Hays	Planas	Zapata
Coley	Henriquez	Poppell	
Cretul	Holloway	Porth	
Culp	Homan	Proctor	

Nays—None

Votes after roll call:

Yeas—Bendross-Mindingall

So the bill passed, as amended, and was immediately certified to the Senate.

On motion by Rep. Rivera, consideration of **HB 1171** was temporarily postponed.

On motion by Rep. Benson, consideration of **HB 805** was temporarily postponed.

HB 7213—A bill to be entitled An act relating to the Quick Action Closing Fund; amending s. 288.1088, F.S.; providing eligibility criteria for receipt of funds; requiring Enterprise Florida, Inc., to determine eligibility using specified criteria; providing for waiver of eligibility criteria under certain circumstances; requiring the Governor to provide evaluations of certain projects to the President of the Senate and the Speaker of the House of Representatives; providing an appropriation; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 988

Speaker Bense in the Chair.

Yeas—114

Adams	Cusack	Hukill	Quinones
Allen	Davis, D.	Jennings	Reagan
Altman	Davis, M.	Johnson	Rice
Ambler	Dean	Jordan	Richardson
Anderson	Detert	Joyner	Rivera
Antone	Domino	Justice	Robaina
Arza	Evers	Kottkamp	Roberson
Attkisson	Farkas	Kravitz	Rubio
Ausley	Fields	Kyle	Russell
Barreiro	Flores	Legg	Ryan
Baxley	Gannon	Littlefield	Sands
Bean	Garcia	Llorente	Sansom
Bense	Gardiner	Lopez-Cantera	Seiler
Benson	Gelber	Machek	Simmons
Berfield	Gibson, A.	Mahon	Slosberg
Bilirakis	Gibson, H.	Mayfield	Smith
Bogdanoff	Glorioso	McInvale	Sobel
Bowen	Goldstein	Meadows	Sorensen
Brandenburg	Goodlette	Mealor	Stansel
Brown	Gottlieb	Murzin	Stargel
Brummer	Grant	Needelman	Taylor
Bucher	Greenstein	Negron	Traviesa
Bullard	Grimsley	Patterson	Troutman
Cannon	Harrell	Peterman	Vana
Carroll	Hasner	Pickens	Waters
Clarke	Hays	Planas	Williams
Coley	Henriquez	Poppell	Zapata
Cretul	Holloway	Porth	
Culp	Homan	Proctor	

Nays—None

Votes after roll call:

Yeas—Bendross-Mindingall

So the bill passed, as amended, and was immediately certified to the Senate.

On motion by Rep. Goodlette, consideration of **HB 1503** was temporarily postponed.

On motion by Rep. M. Davis, consideration of **HB 1363** was temporarily postponed.

On motion by Rep. Brown, consideration of **HB 7227** was temporarily postponed.

On motion by Rep. Brown, consideration of **HB 517** was temporarily postponed.

HB 561—A bill to be entitled An act relating to offenses involving insurance; amending s. 316.068, F.S.; specifying information to be included in a crash report; creating a rebuttable presumption relating to the absence of certain information in such reports; amending s. 322.21, F.S.; providing an additional fee for certain offenses relating to insurance crimes; providing for deposit of the fee into the Highway Safety Operating Trust Fund; amending s. 322.26, F.S.; providing an additional circumstance relating to insurance crimes for mandatory revocation of a person's driver's license; amending s. 400.9935,

F.S.; prohibiting medical directors from referring specified patients to certain clinics for specified medical examinations and tests; providing a definition; providing criminal penalties; requiring health care clinics to display signs containing certain information relating to insurance fraud; authorizing compliance inspections by the Division of Insurance Fraud; requiring clinics to allow inspection access; amending s. 440.105, F.S.; deleting the provision that a violation of a stop-work order is a misdemeanor of the first degree; making unlawful a failure to secure required workers' compensation insurance coverage; providing criminal penalties; amending s. 456.054, F.S.; revising the definition of the term "kickback" for criminal prosecution purposes; amending s. 624.15, F.S.; specifying violations of rules of the Department of Financial Services, Office of Insurance Regulation, or Financial Services Commission as misdemeanors; specifying a violation of emergency rules or orders as a felony of the third degree; providing penalties; providing for nonapplication to certain persons; amending s. 626.112, F.S.; providing a criminal penalty for knowingly transacting insurance without a license; amending s. 626.938, F.S.; revising provisions requiring a report and taxation of independently procured coverages; specifying nonauthorization of independent procurement of workers' compensation, life, or health insurance; amending s. 626.9891, F.S.; expanding authorization to impose administrative fines on insurers for failure to comply with certain anti-fraud plan or anti-fraud investigative unit description requirements; creating s. 626.9893, F.S.; authorizing the division to deposit certain revenues into the Insurance Regulatory Trust Fund; specifying accounting and uses of such revenues; providing for appropriation and use of such revenues; amending s. 627.4133, F.S.; providing a limitation on retroactive assumption of certain coverages and liabilities; amending s. 627.736, F.S.; requiring insurers to provide certain persons with notice of the department's Anti-Fraud Reward Program and the criminal violations that may be reported in pursuit of a reward; amending s. 627.7401, F.S.; specifying additional requirements for Financial Services Commission notification of an insured's rights; amending s. 627.912, F.S.; authorizing the office to impose fines; authorizing the office to adjust such fines under certain circumstances; amending s. 817.234, F.S.; revising provisions specifying material omission and insurance fraud; prohibiting scheming to create documentation of a motor vehicle crash that did not occur; providing a criminal penalty; amending s. 817.2361, F.S.; providing that creating, marketing, or presenting fraudulent proof of motor vehicle insurance is a felony of the third degree; amending s. 817.50, F.S.; specifying nonapplication of provisions specifying evidence of intent to defraud to certain investigative actions taken by law enforcement officers; amending s. 817.505, F.S.; providing an additional patient brokering prohibition, to which penalties apply; revising a definition; amending s. 843.08, F.S.; providing a criminal penalty for falsely assuming or pretending to be an officer of the Department of Financial Services; amending s. 932.7055, F.S.; requiring certain proceeds seized by the division under the Florida Contraband Forfeiture Act to be deposited into certain trust funds; providing severability; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 989

Speaker Bense in the Chair.

Yeas—112

Adams	Berfield	Culp	Gardiner
Allen	Bilirakis	Cusack	Gelber
Altman	Bogdanoff	Davis, D.	Gibson, A.
Ambler	Bowen	Davis, M.	Gibson, H.
Anderson	Brandenburg	Dean	Glorioso
Antone	Brown	Detert	Goldstein
Arza	Brunner	Domino	Goodlette
Attkisson	Bullard	Evers	Gottlieb
Barreiro	Cannon	Farkas	Grant
Baxley	Carroll	Fields	Greenstein
Bean	Clarke	Flores	Grimsley
Bense	Coley	Gannon	Harrell
Benson	Cretul	Garcia	Hasner

Hays	Llorente	Poppell	Seiler
Henriquez	Lopez-Cantera	Porth	Simmons
Holloway	Machek	Proctor	Slosberg
Homan	Mahon	Quinones	Smith
Hukill	Mayfield	Reagan	Sobel
Jennings	McInvale	Rice	Sorensen
Johnson	Meadows	Richardson	Stansel
Jordan	Mealor	Rivera	Stargel
Joyner	Murzin	Robaina	Taylor
Justice	Needelman	Roberson	Traviesa
Kottkamp	Negron	Rubio	Troutman
Kravitz	Patterson	Russell	Vana
Kyle	Peterman	Ryan	Waters
Legg	Pickens	Sands	Williams
Littlefield	Planas	Sansom	Zapata

Nays—1

Bucher

Votes after roll call:

Yeas—Ausley, Bendross-Mindingall

So the bill passed, as amended, and was immediately certified to the Senate.

HB 1435—A bill to be entitled An act relating to the Division of Emergency Management of the Department of Community Affairs; amending s. 20.18, F.S.; providing that the director of the Division of Emergency Management be designated as agency head of the division; providing for appointment of the director by the Governor; providing that the division is a separate budget entity, not subject to control by the department; providing for an agreement between the division and department for certain services; prescribing duties of the division; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 990

Speaker Bense in the Chair.

Yeas—111

Adams	Cusack	Homan	Proctor
Allen	Davis, D.	Hukill	Quinones
Altman	Davis, M.	Jennings	Reagan
Ambler	Dean	Johnson	Rice
Anderson	Detert	Jordan	Richardson
Antone	Domino	Joyner	Rivera
Arza	Evers	Justice	Robaina
Attkisson	Farkas	Kottkamp	Roberson
Ausley	Fields	Kravitz	Rubio
Barreiro	Flores	Kyle	Ryan
Baxley	Gannon	Legg	Sands
Bean	Garcia	Littlefield	Sansom
Bense	Gardiner	Llorente	Seiler
Benson	Gelber	Lopez-Cantera	Simmons
Berfield	Gibson, A.	Machek	Slosberg
Bilirakis	Gibson, H.	Mahon	Smith
Bogdanoff	Glorioso	Mayfield	Sobel
Bowen	Goldstein	McInvale	Sorensen
Brandenburg	Goodlette	Meadows	Stansel
Brown	Gottlieb	Mealor	Stargel
Brummer	Grant	Murzin	Taylor
Bucher	Greenstein	Negron	Traviesa
Bullard	Grimsley	Patterson	Troutman
Cannon	Harrell	Peterman	Vana
Carroll	Hasner	Pickens	Waters
Coley	Hays	Planas	Williams
Cretul	Henriquez	Poppell	Zapata
Culp	Holloway	Porth	

Nays—None

Votes after roll call:

Yeas—Bendross-Mindingall, Clarke, Needelman, Russell

So the bill passed, as amended, and was immediately certified to the Senate.

HB 7121—A bill to be entitled An act relating to disaster preparedness response and recovery; providing legislative findings with respect to the coordination of emergency response capabilities; directing the Division of Emergency Management to conduct a feasibility study relating to the supply and distribution of essential commodities by nongovernmental and private entities; creating s. 526.143, F.S.; providing that each motor fuel terminal facility and wholesaler that sells motor fuel in the state must be capable of operating its distribution loading racks using an alternate generated power source for a specified period by a certain date; providing requirements with respect to the operation of such equipment following a major disaster; providing requirements with respect to the installation of specified components; requiring specified documentation; requiring newly constructed or substantially renovated motor fuel retail outlets to be capable of operation using an alternate generated power source; defining "substantially renovated"; providing requirements with respect to required documentation; requiring certain motor fuel retail outlets located within a specified distance from an interstate highway or state or federally designated evacuation route to be capable of operation using an alternate generated power source by a specified date; providing requirements with respect to the installation of specified components; requiring specified documentation; providing applicability; creating s. 526.144, F.S.; creating the Florida Disaster Motor Fuel Supplier Program within the Department of Community Affairs; providing that participation in the program shall be at the option of each county; providing for administration of the program; providing purpose of the program; providing requirements for and authority of retail motor fuel outlets doing business in participating counties that choose to become members of the program; providing a restriction on nonparticipating motor fuel retail outlets; authorizing counties that choose to participate in the program to charge a fee to cover specified costs; providing for deposit of such fees; providing procedures and requirements with respect to operation under the program; providing that the regulation of and requirements for the siting and placement of an alternate power source and any related equipment at motor fuel terminal facilities, wholesalers, and retail sales outlets shall be exclusively controlled by the state; providing for review of the program; providing a report; amending s. 501.160, F.S.; providing that the prohibition against the rental or sale of essential commodities during a declared state of emergency at unconscionable prices shall remain in effect for a specified period of time; providing for renewal thereof; amending s. 553.509, F.S., relating to requirements with respect to vertical accessibility under pt. II of ch. 553, F.S., the "Florida Americans With Disabilities Accessibility Implementation Act"; requiring specified existing and newly constructed residential multifamily dwellings to have at least one public elevator that is capable of operating on an alternate power source for emergency purposes; providing requirements with respect to the alternate power source; providing for verification of compliance by specified dates; providing requirements with respect to emergency operations plans and inspection records; providing requirements with respect to compliance with the act for specified multistory affordable residential dwellings; requiring the development of an evacuation plan for such a dwelling in the absence of compliance with the act; providing additional inspection requirements under ch. 399, F.S., the "Elevator Safety Act"; amending s. 252.35, F.S.; expanding the duty of the Division of Emergency Management to conduct a public educational campaign on emergency preparedness issues; providing an additional duty of the division with respect to educational outreach concerning disaster preparedness; requiring the Division of Emergency Management to complete and maintain specified inventories of emergency generators; providing legislative findings with respect to minimum criteria for county emergency operations centers; specifying criteria for county emergency operations centers; providing priority and restrictions for funding; providing an appropriation to the Department of Community Affairs to establish a competitive award process; providing an appropriation to the Department of Community Affairs for logistical improvements and technology; providing uses of appropriated funds; providing an appropriation to the Department of Community Affairs to update regional hurricane evacuation plans; providing for use of

appropriated funds; providing that the procurement of technologies with appropriated funds is subject to competitive bid requirements; providing an appropriation to the Department of Community Affairs to conduct a feasibility study; providing an appropriation to the Department of Community Affairs for the Division of Emergency Management's public awareness campaign; providing severability; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 991

Speaker Bense in the Chair.

Yeas—114

Adams	Cusack	Hukill	Quinones
Allen	Davis, D.	Jennings	Reagan
Altman	Davis, M.	Johnson	Rice
Ambler	Dean	Jordan	Richardson
Anderson	Detert	Joyner	Rivera
Antone	Domino	Justice	Robaina
Arza	Evers	Kottkamp	Roberson
Attkisson	Farkas	Kravitz	Rubio
Ausley	Fields	Kyle	Russell
Barreiro	Flores	Legg	Ryan
Baxley	Gannon	Littlefield	Sands
Bean	Garcia	Llorente	Sansom
Bense	Gardiner	Lopez-Cantera	Seiler
Benson	Gelber	Machek	Simmons
Berfield	Gibson, A.	Mahon	Slosberg
Bilirakis	Gibson, H.	Mayfield	Smith
Bogdanoff	Glorioso	McInvale	Sobel
Bowen	Goldstein	Meadows	Sorensen
Brandenburg	Goodlette	Mealor	Stansel
Brown	Gottlieb	Murzin	Stargel
Brummer	Grant	Needelman	Taylor
Bucher	Greenstein	Negron	Traviesa
Bullard	Grimsley	Patterson	Troutman
Cannon	Harrell	Peterman	Vana
Carroll	Hasner	Pickens	Waters
Clarke	Hays	Planas	Williams
Coley	Henriquez	Poppell	Zapata
Cretul	Holloway	Porth	
Culp	Homan	Proctor	

Nays—None

Votes after roll call:

Yeas—Bendross-Mindingall

So the bill passed, as amended, and was immediately certified to the Senate.

HB 7139—A bill to be entitled An act relating to emergency management; amending s. 252.355, F.S.; specifying additional entities and agencies that are required to provide registration information to persons with special needs for purposes of inclusion within the registry of persons with special needs maintained by local emergency management agencies; providing that the Department of Community Affairs shall be the designated lead agency responsible for community education and outreach to the general public, including persons with special needs, regarding registration as a person with special needs, special needs shelters, and general information regarding shelter stays; providing that a person with special needs shall be allowed to bring his or her service animal into a special needs shelter; revising provisions with respect to the required notification of residential utility customers of the availability of the special needs registration program; providing that special needs shelter roster information shall be provided to local law enforcement agencies upon request; creating s. 252.3568, F.S.; requiring the Division of Emergency Management to address strategies for the evacuation of persons with pets in the shelter component of the state comprehensive emergency management plan; providing for the inclusion of the requirement for similar strategies within local comprehensive emergency management plans; requiring the Department of Agriculture and Consumer Services to provide

specified assistance to the division; creating s. 252.357, F.S., requiring the Florida Comprehensive Emergency Management Plan to permit the Agency for Health Care Administration to make initial contact with each nursing home and assisted living facility in a disaster area; requiring the agency to annually publish an emergency telephone number that may be used by nursing homes and assisted living facilities to contact the agency; amending s. 252.385, F.S., relating to public shelter space; requiring the Division of Emergency Management of the Department of Community Affairs to biennially prepare and submit a statewide emergency shelter plan to the Governor and the Cabinet for approval; providing plan requirements; requiring the Department of Health to provide specified assistance to the division; revising those facilities which are excluded as being suitable for use as public hurricane evacuation shelters; requiring local emergency management agencies to coordinate with public facilities to determine readiness prior to activation; amending s. 381.0303, F.S.; providing for the operation and closure of special needs shelters; providing that local Children's Medical Services offices shall assume lead responsibility for specified coordination with respect to the development of a plan for the staffing and medical management of pediatric special needs shelters; requiring such plans to conform to the local comprehensive emergency management plan; requiring county governments to assist the Department of Health with nonmedical staffing and operation of special needs shelters; requiring county health departments and emergency management agencies to coordinate such efforts to ensure appropriate staffing; providing that the appropriate county health department, Children's Medical Services office, and local emergency management agency shall jointly determine the responsibility for medical supervision in a special needs shelter; requiring the local health department and emergency management agency to coordinate efforts to ensure appropriate designation, operation, and closure of special needs shelters; requiring the Secretary of Elderly Affairs to convene multiagency special needs shelter discharge planning teams to assist local areas that are severely impacted by a natural or manmade disaster that requires the use of special needs shelters; providing duties and responsibilities of such discharge planning teams; providing for the inclusion of specified state agency representatives on each discharge planning team; revising provisions relating to reimbursement of health care practitioners; providing for eligibility of specified health care facilities for reimbursement when a multiagency special needs shelter discharge planning team discharges persons with special needs to such receiving facilities; providing procedures and requirements with respect to such reimbursement; requiring the department to specify by rule expenses that are reimbursable and the rate of reimbursement for services; revising provisions which prescribe means of and procedures for reimbursement; disallowing specified reimbursements; revising provisions with respect to the organization, role, duties, and composition of the special needs shelter interagency committee; requiring the department to adopt specified rules with respect to special needs shelters; amending ss. 400.492, 400.497, 400.506, 400.610, and 400.934, F.S.; revising requirements with respect to the comprehensive emergency management plans of home health agencies, nurse registries, and hospices, and providing such requirements with respect to home medical equipment providers, to include the means by which continuing services will be provided to patients who evacuate to special needs shelters; authorizing the establishment of links to local emergency operations centers for specified purposes; revising requirements of a county health department with respect to review of a comprehensive emergency management plan submitted by a home health agency, nurse registry, or hospice; providing requirements upon failure to submit a plan or requested information to the department; providing for imposition of a fine; revising requirements of the Department of Health with respect to review of the plan of a home health agency or hospice that operates in more than one county; providing that the preparation and maintenance of a comprehensive emergency management plan by a home medical equipment provider is a requirement for licensure and must meet minimum criteria established by the Agency for Health Care Administration; providing plan requirements; providing that the plan is subject to review and approval by the county health department; requiring each home medical equipment provider to maintain a current prioritized list of patients who need continued services during an emergency; amending s. 400.925, F.S.; defining "life-supporting or

life-sustaining equipment" for purposes of pt. X of ch. 400, F.S., relating to home medical equipment providers; amending s. 400.935, F.S.; requiring the Agency for Health Care Administration to adopt rules with respect to the comprehensive emergency management plan prepared by a home medical equipment services provider; amending s. 408.831, F.S.; providing that entities regulated or licensed by the Agency for Health Care Administration may exceed their licensed capacity to act as a receiving facility under specified circumstances; providing requirements while such entities are in an overcapacity status; providing for issuance of an inactive license to such licensees under specified conditions; providing requirements and procedures with respect to the issuance and reactivation of an inactive license; providing fees; requiring certain health insurance entities to waive time restrictions on refilling prescriptions for medication during specified emergency conditions; providing legislative findings with respect to the equipping of all designated public special needs hurricane evacuation shelters with permanent emergency power generating capacity by a specified date; requiring the Department of Community Affairs to work with local communities to ensure a sufficient number of public special needs shelters designated to meet anticipated demand; specifying the percentage of local match for such projects; providing an appropriation to the Department of Community Affairs to establish a competitive award process; specifying a limit with respect to administration of the funding; providing legislative findings with respect to retrofitting public hurricane evacuation shelters; providing criteria for the retrofitting of a public hurricane evacuation shelter; providing an appropriation to the Department of Community Affairs to establish a competitive award process; specifying a limit with respect to administration of the funding; providing an appropriation to implement the provisions of emergency management plan reviews for home health agencies and nurse registry, hospice, and home medical equipment providers; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 992

Speaker Bense in the Chair.

Yeas—115

Adams	Culp	Homan	Proctor
Allen	Cusack	Hukill	Quinones
Altman	Davis, D.	Jennings	Reagan
Ambler	Davis, M.	Johnson	Rice
Anderson	Dean	Jordan	Richardson
Antone	Detert	Joyner	Rivera
Arza	Domino	Justice	Robaina
Attkisson	Evers	Kottkamp	Roberson
Ausley	Farkas	Kravitz	Rubio
Barreiro	Fields	Kyle	Russell
Baxley	Flores	Legg	Ryan
Bean	Gannon	Littlefield	Sands
Bense	Garcia	Llorente	Sansom
Benson	Gardiner	Lopez-Cantera	Seiler
Berfield	Gelber	Machek	Simmons
Bilirakis	Gibson, A.	Mahon	Slosberg
Bogdanoff	Gibson, H.	Mayfield	Smith
Bowen	Glorioso	McInvale	Sobel
Brandenburg	Goldstein	Meadows	Sorensen
Brown	Goodlette	Mealor	Stansel
Brummer	Gottlieb	Murzin	Stargel
Brutus	Grant	Needelman	Taylor
Bucher	Greenstein	Negron	Traviesa
Bullard	Grimsley	Patterson	Troutman
Cannon	Harrell	Peterman	Vana
Carroll	Hasner	Pickens	Waters
Clarke	Hays	Planas	Williams
Coley	Henriquez	Poppell	Zapata
Cretul	Holloway	Porth	

Nays—None

Votes after roll call:

Yeas—Bendross-Mindingall

So the bill passed, as amended, and was immediately certified to the Senate.

HB 645—A bill to be entitled An act relating to nursing home facilities; creating s. 400.0627, F.S.; providing legislative intent; requiring the Agency for Health Care Administration to implement a pilot program to increase the emergency electrical power capacity of nursing home facilities; providing criteria for participation in the program; providing conditions for reimbursement of participating facilities; permitting inspections of certain facilities by the agency; requiring facilities to comply with current codes and standards when modifying emergency electrical power systems; authorizing the agency to adopt rules; requiring the agency to prepare a reimbursement plan; requiring the plan to be presented to the Legislature; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 993

Speaker Bense in the Chair.

Yeas—113

Adams	Cusack	Hukill	Reagan
Allen	Davis, D.	Jennings	Rice
Altman	Davis, M.	Johnson	Richardson
Ambler	Dean	Jordan	Rivera
Anderson	Detert	Joyner	Robaina
Antone	Domino	Justice	Roberson
Arza	Evers	Kottkamp	Rubio
Attkisson	Farkas	Kravitz	Russell
Ausley	Fields	Kyle	Ryan
Barreiro	Flores	Legg	Sands
Baxley	Gannon	Littlefield	Sansom
Bense	Garcia	Llorente	Seiler
Benson	Gardiner	Lopez-Cantera	Simmons
Berfield	Gelber	Machek	Slosberg
Bilirakis	Gibson, A.	Mahon	Smith
Bogdanoff	Gibson, H.	Mayfield	Sobel
Bowen	Glorioso	McInvale	Sorensen
Brandenburg	Goldstein	Meadows	Stansel
Brown	Goodlette	Mealor	Stargel
Brummer	Gottlieb	Murzin	Taylor
Brutus	Grant	Needelman	Traviesa
Bucher	Greenstein	Negron	Troutman
Bullard	Grimsley	Peterman	Vana
Cannon	Harrell	Pickens	Waters
Carroll	Hasner	Planas	Williams
Clarke	Hays	Poppell	Zapata
Coley	Henriquez	Porth	
Cretul	Holloway	Proctor	
Culp	Homan	Quinones	

Nays—1

Patterson

Votes after roll call:

Yeas—Bean, Bendross-Mindingall

Nays to Yeas—Patterson

So the bill passed, as amended, and was immediately certified to the Senate.

HB 661—A bill to be entitled An act relating to governmental services telephone systems; creating s. 365.180, F.S.; providing legislative findings; defining the term "coordinated 311 nonemergency and other governmental services telephone system"; authorizing the Department of Community Affairs to accept and administer funds to provide grants for certain governmental services telephone systems; authorizing counties and municipalities to apply for grants; requiring a county or municipality to provide matching funds; providing procedures for approval of grant awards; requiring approval by the Secretary of Community Affairs or appropriation by the Legislature; providing for certain limitations on grant funds amounts; requiring a report to the Governor and the Legislature detailing expenditures;

authorizing the department to adopt rules; providing application evaluation criteria; providing grants may be awarded as appropriated or as made available from private sources; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 994

Speaker Bense in the Chair.

Yeas—112

Adams	Davis, D.	Hukill	Proctor
Allen	Davis, M.	Jennings	Quinones
Altman	Dean	Johnson	Reagan
Ambler	Detert	Jordan	Rice
Antone	Domino	Joyner	Richardson
Arza	Evers	Justice	Rivera
Attkisson	Farkas	Kottkamp	Robaina
Ausley	Fields	Kravitz	Roberson
Barreiro	Flores	Kyle	Rubio
Baxley	Gannon	Legg	Russell
Bean	Garcia	Littlefield	Ryan
Bense	Gardiner	Llorente	Sands
Benson	Gelber	Lopez-Cantera	Sansom
Berfield	Gibson, A.	Machek	Seiler
Bogdanoff	Gibson, H.	Mahon	Simmons
Bowen	Glorioso	Mayfield	Slosberg
Brandenburg	Goldstein	McInvale	Smith
Brown	Goodlette	Meadows	Sobel
Brummer	Gottlieb	Mealor	Sorensen
Bullard	Grant	Murzin	Stansel
Cannon	Greenstein	Needelman	Stargel
Carroll	Grimsley	Negron	Taylor
Clarke	Harrell	Patterson	Traviesa
Coley	Hasner	Peterman	Troutman
Cretul	Hays	Pickens	Vana
Culp	Henriquez	Planas	Waters
	Holloway	Poppell	Williams
	Homan	Porth	Zapata

Nays—None

Votes after roll call:

Yeas—Bendross-Mindingall

So the bill passed, as amended, and was immediately certified to the Senate.

HB 911—A bill to be entitled An act relating to the use of state facilities as emergency shelters; amending s. 252.385, F.S.; providing for use of certain state facilities as emergency shelters; requiring the Department of Management Services to list state-owned facilities that are suitable for use as emergency shelters; providing requirements with respect to such listing; defining terms; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 995

Speaker Bense in the Chair.

Yeas—114

Adams	Bean	Bullard	Detert
Allen	Bense	Cannon	Domino
Altman	Benson	Carroll	Evers
Ambler	Berfield	Clarke	Farkas
Anderson	Bilirakis	Coley	Fields
Antone	Bogdanoff	Cretul	Flores
Arza	Bowen	Culp	Gannon
Attkisson	Brandenburg	Cusack	Garcia
Ausley	Brown	Davis, D.	Gardiner
Barreiro	Brummer	Davis, M.	Gelber
Baxley	Bucher	Dean	Gibson, A.

Gibson, H.	Joyner	Patterson	Sansom
Glorioso	Justice	Peterman	Seiler
Goldstein	Kottkamp	Pickens	Simmons
Goodlette	Kravitz	Planas	Slosberg
Gottlieb	Kyle	Poppell	Smith
Grant	Legg	Porth	Sobel
Greenstein	Littlefield	Proctor	Sorensen
Grimsley	Llorente	Quinones	Stansel
Harrell	Lopez-Cantera	Reagan	Stargel
Hasner	Machek	Rice	Taylor
Hays	Mahon	Richardson	Traviesa
Henriquez	Mayfield	Rivera	Troutman
Holloway	McInvale	Robaina	Vana
Homan	Meadows	Roberson	Waters
Hukill	Mealor	Rubio	Williams
Jennings	Murzin	Russell	Zapata
Johnson	Needelman	Ryan	
Jordan	Negron	Sands	

Nays—None

Votes after roll call:

Yeas—Bendross-Mindingall

So the bill passed, as amended, and was immediately certified to the Senate.

HB 1359—A bill to be entitled An act relating to hazard mitigation for coastal redevelopment; amending s. 161.085, F.S.; specifying entities that are authorized to install or authorize installation of rigid coastal armoring structures; authorizing the Department of Environmental Protection to revoke certain authority; authorizing the installation of certain structures as the core of a restored dune feature under specified conditions; amending s. 163.3178, F.S.; requiring the Division of Emergency Management to manage certain hurricane evacuation studies; requiring that such studies be performed in a specified manner; defining the term "coastal high-hazard area"; providing that the application of development policies shall be at the discretion of local government; authorizing local governments to amend comprehensive plans to increase residential densities for certain properties; providing standards for certain comprehensive plan compliance; requiring local governments to adopt a certain level of service for out-of-county hurricane evacuation under certain circumstances; requiring local governments and developers to enter into certain agreements; providing a deadline for local governments to amend coastal management elements and future land use maps; amending 163.336, F.S., relating to the coastal resort area redevelopment pilot project; revising the requirements for placement of certain coastal redevelopment materials; authorizing the Department of Environmental Protection to consider certain information during certain permit review; deferring the expiration date of the pilot project; requiring the department and local governments to provide a specified analysis of certain projects and to provide a report to the Legislature by a certain date; amending s. 381.0065, F.S.; requiring the issuance of certain permits by the Department of Health to be contingent upon the receipt of certain permits issued by the Department of Environmental Protection; providing an effective date.

—was read the third time by title.

Representative Benson offered the following:

(Amendment Bar Code: 145417)

Amendment 2—Remove lines 64 through 72 and insert:

(8) If a political subdivision or municipality installs or authorizes installation of a rigid coastal armoring structure that does not comply with subsection (3), and if the department determines that the action harms or interferes with the protection of the beach-dune system, adversely impacts adjacent properties, interferes with public beach access, or harms native coastal vegetation or nesting marine turtles or their hatchlings, the department may revoke by order the authority of the political subdivision or municipality

Rep. Benson moved the adoption of the amendment, which was adopted by the required two-thirds vote.

Representative Benson offered the following:

(Amendment Bar Code: 757541)

Amendment 3 (with title amendment)—Remove line 126 and insert: state coastal high-hazard provisions pursuant to rules 9J-

===== T I T L E A M E N D M E N T =====

Remove line 18 and insert:
criteria for certain comprehensive plan compliance;

Rep. Benson moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of HB 1359. The vote was:

Session Vote Sequence: 996

Speaker Bense in the Chair.

Yeas—114

Adams	Cusack	Hukill	Quinones
Allen	Davis, D.	Jennings	Reagan
Altman	Davis, M.	Johnson	Rice
Ambler	Dean	Jordan	Richardson
Anderson	Detert	Joyner	Rivera
Antone	Domino	Justice	Robaina
Arza	Evers	Kottkamp	Roberson
Attkisson	Farkas	Kravitz	Rubio
Ausley	Fields	Kyle	Russell
Barreiro	Flores	Legg	Ryan
Baxley	Gannon	Littlefield	Sands
Bean	Garcia	Llorente	Sansom
Bense	Gardiner	Lopez-Cantera	Seiler
Benson	Gelber	Machek	Simmons
Berfield	Gibson, A.	Mahon	Slosberg
Bilirakis	Gibson, H.	Mayfield	Smith
Bogdanoff	Glorioso	McInvale	Sobel
Bowen	Goldstein	Meadows	Sorensen
Brandenburg	Goodlette	Mealor	Stansel
Brown	Gottlieb	Murzin	Stargel
Brummer	Grant	Needelman	Taylor
Bucher	Greenstein	Negron	Traviesa
Bullard	Grimsley	Patterson	Troutman
Cannon	Harrell	Peterman	Vana
Carroll	Hasner	Pickens	Waters
Clarke	Hays	Planas	Williams
Coley	Henriquez	Poppell	Zapata
Cretul	Holloway	Porth	
Culp	Homan	Proctor	

Nays—None

Votes after roll call:

Yeas—Bendross-Mindingall

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 7109—A bill to be entitled An act relating to taxation; amending s. 193.155, F.S.; revising exceptions applicable to damaged or destroyed homestead property to a requirement that changes, additions, or improvements to homestead property be assessed at just value under certain circumstances; providing for application to certain changes, additions, and improvements; providing for assessment of homestead property after substantial completion of changes, additions, and improvements; providing criteria; amending s. 196.031, F.S.; providing for the continued granting of a homestead exemption for certain damaged or destroyed homestead property under certain circumstances; specifying circumstances for abandonment of property as homestead; requiring the Department of Revenue to study the

state's property tax structure; providing the contents of the study; requiring the Office of Economic and Demographic Research to prepare a report; requiring that the report recommend changes to achieve specified principles of taxation; providing deadlines; requiring a report to the Governor and the Legislature; repealing s. 12, ch. 2005-187, Laws of Florida, relating to dissolving the Communications Services Tax Task Force; providing appropriations; providing for reversion of unused funds to the General Revenue Fund; providing for retroactive application; providing effective dates.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 997

Speaker Bense in the Chair.

Yeas—113

Adams	Cusack	Hukill	Reagan
Allen	Davis, D.	Jennings	Rice
Altman	Davis, M.	Johnson	Richardson
Amblor	Dean	Jordan	Rivera
Anderson	Detert	Joyner	Robaina
Antone	Domino	Justice	Roberson
Arza	Evers	Kottkamp	Rubio
Attkisson	Farkas	Kyle	Russell
Ausley	Fields	Legg	Ryan
Barreiro	Flores	Littlefield	Sands
Baxley	Gannon	Llorente	Sansom
Bean	Garcia	Lopez-Cantera	Seiler
Bense	Gardiner	Machek	Simmons
Benson	Gelber	Mahon	Slosberg
Berfield	Gibson, A.	Mayfield	Smith
Bilirakis	Gibson, H.	McInvale	Sobel
Bogdanoff	Glorioso	Meadows	Sorensen
Bowen	Goldstein	Mealor	Stansel
Brandenburg	Goodlette	Murzin	Stargel
Brown	Gottlieb	Needelman	Taylor
Brummer	Grant	Negron	Traviesa
Bucher	Greenstein	Patterson	Troutman
Bullard	Grimsley	Peterman	Vana
Cannon	Harrell	Pickens	Waters
Carroll	Hasner	Planas	Williams
Clarke	Hays	Poppell	Zapata
Coley	Henriquez	Porth	
Cretul	Holloway	Proctor	
Culp	Homan	Quinones	

Nays—None

Votes after roll call:

Yeas—Bendross-Mindingall

Nays—Kravitz

So the bill passed, as amended, and was immediately certified to the Senate.

On motion by Rep. Goodlette, consideration of **HJR 7037** was temporarily postponed.

HB 391—A bill to be entitled An act relating to community associations; creating s. 712.11, F.S.; providing for the revival of certain covenants that have lapsed; amending s. 718.106, F.S.; prohibiting local governments from limiting the access of certain persons to beaches adjacent to or adjoining condominium property; amending s. 718.110, F.S.; revising provisions relating to the amendment of declarations; providing legislative findings and a finding of compelling state interest; providing criteria for consent to an amendment; requiring notice regarding proposed amendments to mortgagees; providing criteria for notification; providing for voiding certain amendments; amending s. 718.112, F.S.; revising the implementation date for retrofitting of common areas with a sprinkler system; amending s. 718.114, F.S.; providing that certain leaseholds, memberships, or other possessory or use interests shall be considered a material alteration or substantial addition to certain real property; amending s. 718.404, F.S.; providing retroactive application of

provisions relating to mixed-use condominiums; amending s. 719.103, F.S.; providing a definition; amending s. 719.507, F.S.; prohibiting laws, ordinances, or regulations that apply only to improvements that are or may be subjected to an equity club form of ownership; amending s. 720.302, F.S.; revising governing provisions relating to corporations that operate residential homeowners' associations; amending s. 720.303, F.S.; revising application to include certain meetings; requiring the association to provide certain information to prospective purchasers or lienholders; authorizing the association to charge a reasonable fee for providing certain information; requiring the budget to provide for annual operating expenses; authorizing the budget to include reserve accounts for capital expenditures and deferred maintenance; providing a formula for calculating the amount to be reserved; authorizing the association to adjust replacement reserve assessments annually; authorizing the developer to vote to waive the reserves or reduce the funding of reserves for a certain period; revising provisions relating to financial reporting; revising time periods in which the association must complete its reporting; repealing s. 720.303(2), F.S., as amended, relating to board meetings, to remove conflicting versions of that subsection; creating s. 720.3035, F.S.; providing for architectural control covenants and parcel owner improvements; authorizing the review and approval of plans and specifications; providing limitations; providing rights and privileges for parcel owners as set forth in the declaration of covenants; amending s. 720.305, F.S.; providing that, where a member is entitled to collect attorney's fees against the association, the member may also recover additional amounts as determined by the court; amending s. 720.306, F.S.; providing that certain mergers or consolidations of an association shall not be considered a material or adverse alteration of the proportionate voting interest appurtenant to a parcel; amending s. 720.307, F.S.; requiring developers to deliver financial records to the board in any transition of association control to members; requiring certain information to be included in the records and for the records to be prepared in a specified manner; amending s. 720.308, F.S.; providing circumstances under which a guarantee of common expenses shall be effective; providing for approval of the guarantee by association members; providing for a guarantee period and extension thereof; requiring the stated dollar amount of the guarantee to be an exact dollar amount for each parcel identified in the declaration; providing payments required from the guarantor to be determined in a certain manner; providing a formula to determine the guarantor's total financial obligation to the association; providing that certain expenses incurred in the production of certain revenues shall not be included in the operating expenses; amending s. 720.311, F.S.; revising provisions relating to dispute resolution; providing that the filing of any petition for arbitration or the serving of an offer for presuit mediation shall toll the applicable statute of limitations; providing that certain disputes between an association and a parcel owner shall be subject to presuit mediation; revising provisions to conform; providing that temporary injunctive relief may be sought in certain disputes subject to presuit mediation; authorizing the court to refer the parties to mediation under certain circumstances; requiring the aggrieved party to serve on the responding party a written offer to participate in presuit mediation; providing a form for such offer; providing that service of the offer is effected by the sending of such an offer in a certain manner; providing that the prevailing party in any subsequent arbitration or litigation proceedings is entitled to seek recovery of all costs and attorney's fees incurred in the presuit mediation process; requiring the mediator or arbitrator to meet certain certification requirements; removing a requirement relating to development of an education program to increase awareness of the operation of homeowners' associations and the use of alternative dispute resolution techniques; providing effective dates.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 998

Speaker Bense in the Chair.

Yeas—113

Adams	Cusack	Hukill	Quinones
Allen	Davis, D.	Jennings	Reagan
Altman	Davis, M.	Johnson	Rice
Ambler	Dean	Jordan	Richardson
Anderson	Detert	Joyner	Rivera
Antone	Domino	Justice	Robaina
Arza	Evers	Kottkamp	Roberson
Attkisson	Farkas	Kravitz	Rubio
Ausley	Fields	Kyle	Russell
Barreiro	Flores	Legg	Ryan
Baxley	Gannon	Littlefield	Sands
Bean	Garcia	Llorente	Sansom
Bense	Gardiner	Lopez-Cantera	Seiler
Benson	Gelber	Machek	Simmons
Berfield	Gibson, A.	Mahon	Slosberg
Bilirakis	Gibson, H.	Mayfield	Smith
Bogdanoff	Glorioso	McInvale	Sobel
Bowen	Goldstein	Meadows	Sorensen
Brandenburg	Goodlette	Mealor	Stansel
Brown	Gottlieb	Murzin	Stargel
Brummer	Grant	Needelman	Taylor
Bucher	Greenstein	Negron	Traviesa
Bullard	Grimsley	Patterson	Troutman
Cannon	Harrell	Peterman	Waters
Carroll	Hasner	Pickens	Williams
Clarke	Hays	Planas	Zapata
Coley	Henriquez	Poppell	
Cretul	Holloway	Porth	
Culp	Homan	Proctor	

Nays—None

Votes after roll call:

Yeas—Bendross-Mindingall, Vana

So the bill passed, as amended, and was immediately certified to the Senate.

On motion by Rep. Sansom, consideration of **HB 1123** was temporarily postponed.

On motion by Rep. Sansom, consideration of **HB 1125** was temporarily postponed.

HB 7075—A bill to be entitled An act relating to agriculture; amending s. 403.067, F.S.; clarifying rulemaking authority relating to pollution reduction; granting presumption of compliance with water quality standards for certain research; releasing certain research from penalties relating to the discharge of pollutants; amending s. 482.021, F.S.; revising the definitions of the terms "employee" and "independent contractor" for purposes of pest control regulation; amending s. 482.051, F.S.; revising certain requirements of the department to adopt rules relating to the use of pesticides for preventing subterranean termites in new construction; amending s. 482.091, F.S.; clarifying provisions governing the performance of pest control services; amending s. 482.156, F.S.; requiring certification of individual commercial landscape maintenance personnel; revising the types of materials such personnel may use; removing obsolete provisions relating to fees; revising requirements relating to proof of education and insurance; revising the amount of required continuing education; removing a requirement for certain business experience; amending s. 482.211, F.S.; clarifying exemption of certain mosquito control activities from regulation; amending s. 500.033, F.S.; renaming the Florida Food Safety and Food Security Advisory Council as the Florida Food Safety and Food Defense Advisory Council and revising duties accordingly; amending s. 500.12, F.S.; providing an exemption from certain food inspections by the department; amending s. 570.249, F.S.; expanding the conditions under which loan funds to certain agricultural producers may be granted; increasing the amount of funds that may be granted; defining "losses" and "essential physical property"; creating s. 570.954, F.S.; authorizing the department, in consultation with the state energy office within the Department of Environmental Protection, to develop a farm-to-fuel initiative; providing purposes of the initiative; providing for a statewide information and education program; amending s. 582.06, F.S.;

revising the membership of the Soil and Water Conservation Council; amending s. 810.09, F.S.; providing criminal penalties for trespassing on certain property; requiring warning signage; amending s. 810.011, F.S.; defining "agricultural chemicals manufacturing facility"; amending s. 828.30, F.S.; updating references to the Rabies Vaccination Certificate; designating the Austin Dewey Gay Memorial Agricultural Inspection Station in Escambia County; directing the department to erect suitable markers; prohibiting any person from remaining on certain property or in certain structures for commercial purposes under certain circumstances; providing for certain ad valorem taxation for agriculture equipment under certain circumstances; providing effective dates.

—was read the third time by title.

The Rules & Calendar Council offered the following:

(Amendment Bar Code: 012667)

Technical Amendment 3—Remove line 51 and insert:
circumstances; prohibiting a person from lawfully remaining on any property or in any structure under certain circumstances; providing for certain ad valorem taxation

Rep. Goodlette moved the adoption of the amendment, which was adopted.

Representative Poppell offered the following:

(Amendment Bar Code: 421249)

Amendment 4 (with title amendment)—Remove lines 121-127 and insert:

those pollutants. Research projects funded by the department, a water management district, or the Department of Agriculture and Consumer Services to develop or demonstrate interim measures or best management practices shall be granted a presumption of compliance with state water quality standards and a release from the provisions of s. 376.307(5). The presumption of compliance and release shall be limited to the research site and only those pollutants addressed by the interim measures or best management practices. Eligibility for the presumption of compliance and release shall be limited to research projects on sites where the owner or operator of the research site and the department, a water management district, or the Department of Agriculture and Consumer Services have entered into a contract or other agreement that, at a minimum, specifies the research objectives, the cost-share responsibilities of the parties, and a schedule that details the beginning and ending dates of the project.

===== T I T L E A M E N D M E N T =====

Remove line 7 and insert:
pollutants; limiting eligibility for presumption of compliance and release; amending s. 482.021, F.S.; revising the

Rep. Poppell moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of HB 7075. The vote was:

Session Vote Sequence: 999

Speaker Bense in the Chair.

Yeas—112

Adams	Attkisson	Berfield	Bullard
Allen	Ausley	Bilirakis	Cannon
Altman	Barreiro	Bogdanoff	Carroll
Ambler	Baxley	Bowen	Clarke
Anderson	Bean	Brandenburg	Coley
Antone	Bense	Brown	Cretul
Arza	Benson	Brummer	Culp

Cusack	Greenstein	Mahon	Roberson
Davis, D.	Grimsley	Mayfield	Rubio
Davis, M.	Harrell	McInvale	Russell
Dean	Hasner	Meadows	Ryan
Detert	Hays	Mealor	Sands
Domino	Henriquez	Murzin	Sansom
Evers	Holloway	Needelman	Seiler
Farkas	Homan	Negron	Simmons
Fields	Hukill	Patterson	Slosberg
Flores	Jennings	Peterman	Smith
Gannon	Johnson	Pickens	Sobel
Garcia	Jordan	Planas	Sorensen
Gardiner	Joyner	Poppell	Stansel
Gelber	Justice	Porth	Stargel
Gibson, A.	Kottkamp	Proctor	Taylor
Gibson, H.	Kravitz	Quinones	Traviesa
Glorioso	Legg	Reagan	Troutman
Goldstein	Littlefield	Rice	Vana
Goodlette	Llorente	Richardson	Waters
Gottlieb	Lopez-Cantera	Rivera	Williams
Grant	Machek	Robaina	Zapata

Nays—2

Bucher Kyle

Votes after roll call:

Yeas—Bendross-Mindingall

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

HB 7131—A bill to be entitled An act relating to the redevelopment of brownfields; amending ss. 199.1055, 220.1845, 376.30781, 376.80, and 376.86, F.S.; increasing the amount and percentage of the credit that may be applied against the intangible personal property tax and the corporate income tax for the cost of voluntary cleanup of a contaminated site; increasing the amount that may be received by the taxpayer as an incentive to complete the cleanup in the final year; increasing the total amount of credits that may be granted in any year; providing tax credits for voluntary cleanup activities related to solid waste disposal facilities; providing criteria for eligible sites and activities; increasing the amount of the Brownfield Areas Loan Guarantee; reducing the job creation requirements; directing the Department of Environmental Protection to apply certain criteria, requirements, and limitations for implementation of such provisions; providing certain exceptions; amending s. 288.9015, F.S.; requiring Enterprise Florida, Inc., to aggressively market brownfields; amending ss. 196.012 and 196.1995, F.S., to include brownfield areas in the implementation of the economic development ad valorem tax exemption authorized under s. 3, Art VII of the Florida Constitution; repealing s. 376.87, F.S., relating to the Brownfield Property Ownership Clearance Assistance; repealing s. 376.875, F.S., relating to the Brownfield Property Ownership Clearance Assistance Revolving Loan Trust Fund; amending s. 14.2015, F.S.; deleting a reference to the trust fund to conform; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1000

Speaker Bense in the Chair.

Yeas—111

Adams	Bean	Carroll	Evers
Allen	Bense	Clarke	Farkas
Altman	Berfield	Coley	Fields
Ambler	Bilirakis	Cretul	Flores
Anderson	Bogdanoff	Culp	Gannon
Antone	Bowen	Cusack	Garcia
Arza	Brandenburg	Davis, D.	Gardiner
Attkisson	Brummer	Davis, M.	Gelber
Ausley	Bucher	Dean	Gibson, A.
Barreiro	Bullard	Detert	Gibson, H.
Baxley	Cannon	Domino	Glorioso

Goldstein	Justice	Peterman	Sansom
Goodlette	Kottkamp	Pickens	Seiler
Gottlieb	Kravitz	Planas	Simmons
Grant	Kyle	Poppell	Slosberg
Greenstein	Littlefield	Porth	Smith
Grimsley	Llorente	Proctor	Sobel
Harrell	Lopez-Cantera	Quinones	Sorensen
Hasner	Machek	Reagan	Stansel
Hays	Mahon	Rice	Stargel
Henriquez	Mayfield	Richardson	Taylor
Holloway	McInvale	Rivera	Traviesa
Homan	Meadows	Robaina	Troutman
Hukill	Mealor	Roberson	Vana
Jennings	Murzin	Rubio	Waters
Johnson	Needelman	Russell	Williams
Jordan	Negron	Ryan	Zapata
Joyner	Patterson	Sands	

Nays—None

Votes after roll call:

Yeas—Bendross-Mindingall, Brown

So the bill passed, as amended, and was immediately certified to the Senate.

HB 7141—A bill to be entitled An act relating to the licensure of health care providers; creating pts. I, II, III, and IV of ch. 408, F.S.; creating s. 408.801, F.S.; providing a short title; providing legislative findings and purpose; creating s. 408.802, F.S.; providing applicability; creating s. 408.803, F.S.; providing definitions; creating s. 408.804, F.S.; requiring providers to have and display a license; providing limitations; creating s. 408.805, F.S.; establishing license fees and conditions for assessment thereof; providing a method for calculating annual adjustment of fees; providing for inspection fees; providing that fees are nonrefundable; creating s. 408.806, F.S.; providing a license application process; requiring specified information to be included on the application; requiring payment of late fees under certain circumstances; requiring inspections; providing an exception; authorizing the Agency for Health Care Administration to establish procedures and rules for electronic transmission of required information; creating s. 408.807, F.S.; providing procedures for change of ownership; requiring the transferor to notify the agency in writing within a specified time period; providing for duties and liability of the transferor; providing for maintenance of certain records; creating s. 408.808, F.S.; providing license categories and requirements therefor; creating s. 408.809, F.S.; requiring background screening of specified employees; providing for submission of proof of compliance, under certain circumstances; providing conditions for granting provisional and standard licenses; providing an exception to screening requirements; creating s. 408.810, F.S.; providing minimum licensure requirements; providing procedures for discontinuance of operation and surrender of license; requiring forwarding of client records; requiring publication of a notice of discontinuance of operation of a provider; providing for statewide toll-free telephone numbers for reporting complaints and abusive, neglectful, and exploitative practices; requiring proof of legal right to occupy property, proof of insurance, and proof of financial viability, under certain circumstances; requiring disclosure of information relating to financial instability; providing a penalty; prohibiting the agency from licensing a health care provider that does not have a certificate of need or an exemption; creating s. 408.811, F.S.; providing for inspections and investigations to determine compliance; providing that inspection reports are public records; requiring retention of records for a specified period of time; creating s. 408.812, F.S.; prohibiting certain unlicensed activity by a provider; requiring unlicensed providers to cease activity; providing penalties; requiring reporting of unlicensed providers; creating s. 408.813, F.S.; authorizing the agency to impose administrative fines; creating s. 408.814, F.S.; providing conditions for the agency to impose a moratorium or emergency suspension on a provider; requiring notice; creating s. 408.815, F.S.; providing grounds for denial or revocation of a license or change-of-ownership application; providing conditions to continue operation; exempting renewal applications from provisions requiring the agency to

approve or deny an application within a specified period of time, under certain circumstances; creating s. 408.816, F.S.; authorizing the agency to institute injunction proceedings, under certain circumstances; creating s. 408.817, F.S.; providing basis for review of administrative proceedings challenging agency licensure enforcement action; creating s. 408.818, F.S.; requiring fees and fines related to health care licensing to be deposited into the Health Care Trust Fund; creating s. 408.819, F.S.; authorizing the agency to adopt rules; providing a timeframe for compliance; creating s. 408.820, F.S.; providing exemptions from specified requirements of pt. II of ch. 408, F.S.; amending s. 400.801, F.S.; providing that the definition of homes for special services applies to sites licensed by the agency after a certain date; amending s. 400.9905, F.S.; excluding certain entities from the definition of "clinic"; amending s. 408.036, F.S.; exempting a nursing home created by combining certain licensed beds from requirements for obtaining a certificate of need from the agency; providing for future repeal; amending s. 408.831, F.S.; revising provisions relating to agency action to deny, suspend, or revoke a license, registration, certificate, or application; conforming cross-references; providing for priority of application in case of conflict; authorizing the agency to adjust annual licensure fees to provide biennial licensure fees; requesting interim assistance of the Division of Statutory Revision to prepare conforming legislation for the 2007 Regular Session; authorizing the agency to issue licenses for less than a specified time period and providing conditions therefor; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1001

Speaker Bense in the Chair.

Yeas—114

Adams	Cusack	Hukill	Quinones
Allen	Davis, D.	Jennings	Reagan
Altman	Davis, M.	Johnson	Rice
Ambler	Dean	Jordan	Richardson
Anderson	Detert	Joyner	Rivera
Antone	Domino	Justice	Robaina
Arza	Evers	Kottkamp	Roberson
Attkisson	Farkas	Kravitz	Rubio
Ausley	Fields	Kyle	Russell
Barreiro	Flores	Legg	Ryan
Baxley	Gannon	Littlefield	Sands
Bean	Garcia	Llorente	Sansom
Bense	Gardiner	Lopez-Cantera	Seiler
Benson	Gelber	Machek	Simmons
Berfield	Gibson, A.	Mahon	Slosberg
Bilirakis	Gibson, H.	Mayfield	Smith
Bogdanoff	Glorioso	McInvale	Sobel
Bowen	Goldstein	Meadows	Sorensen
Brandenburg	Goodlette	Mealor	Stansel
Brown	Gottlieb	Murzin	Stargel
Brunner	Grant	Needelman	Taylor
Bucher	Greenstein	Negron	Traviesa
Bullard	Grimsley	Patterson	Troutman
Cannon	Harrell	Peterman	Vana
Carroll	Hasner	Pickens	Waters
Clarke	Hays	Planas	Williams
Coley	Henriquez	Poppell	Zapata
Cretul	Holloway	Porth	
Culp	Homan	Proctor	

Nays—None

Votes after roll call:

Yeas—Bendross-Mindingall

So the bill passed, as amended, and was immediately certified to the Senate.

On motion by Rep. Murzin, consideration of **HB 817** was temporarily postponed.

HB 683—A bill to be entitled An act relating to growth management; amending s. 163.01, F.S.; revising provisions for filing certain interlocal agreements and amendments; amending s. 163.3177, F.S.; encouraging local governments to adopt recreational surface water use policies; providing criteria and exemptions for such policies; authorizing assistance for the development of such policies; directing the Office of Program Policy Analysis and Government Accountability to submit a report to the Legislature; revising a provision relating to the amount of transferrable land use credits; amending s. 163.3180, F.S.; conforming a cross-reference; amending s. 197.303, F.S.; revising the criteria for ad valorem tax deferral waterfront properties; amending s. 342.07, F.S.; including hotels and motels within the definition of the term "recreational and commercial working waterfront"; creating s. 373.4132, F.S.; directing water management district governing boards and the Department of Environmental Protection to require permits for certain activities relating to certain dry storage facilities; providing criteria for application of such permits; preserving regulatory authority for the department and governing boards; amending s. 380.06, F.S.; providing for the state land planning agency to determine the amount of development that remains to be built in certain circumstances; specifying certain requirements for a development order; revising the circumstances in which a local government may issue permits for development subsequent to the buildout date; revising the definition of an essentially built-out development; revising the criteria under which a proposed change constitutes a substantial deviation; providing criteria for calculating certain deviations; clarifying the criteria under which the extension of a buildout date is presumed to create a substantial deviation; requiring that notice of any change to certain set-aside areas be submitted to the local government; requiring that notice of certain changes be given to the state land planning agency, regional planning agency, and local government; revising the statutory exemptions from development-of-regional-impact review for certain facilities; removing waterport and marina developments from development-of-regional-impact review; providing statutory exemptions and partial statutory exemptions for the development of certain facilities; providing that the impacts from an exempt use that will be part of a larger project be included in the development-of-regional-impact review of the larger project; providing that vesting provisions relating to authorized developments of regional impact are not applicable to certain projects; revising provisions for the abandonment of developments of regional impact; providing an exemption from such provisions for certain developments of regional impact; providing requirements for developments following abandonment; amending s. 380.0651, F.S.; revising the statewide guidelines and standards for development-of-regional-impact review of office developments; deleting such guidelines and standards for port facilities; revising such guidelines and standards for residential developments; providing such guidelines and standards for workforce housing; amending s. 380.07, F.S.; revising the appellate procedures for development orders within a development of regional impact to the Florida Land and Water Adjudicatory Commission; amending s. 380.115, F.S.; providing that a change in a development-of-regional-impact guideline and standard does not abridge or modify any vested right or duty under a development order; providing a process for the rescission of a development order by the local government in certain circumstances; providing an exemption for certain applications for development approval and notices of proposed changes; amending s. 403.813, F.S.; revising permitting exceptions for the construction of private docks in certain waterways; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 1002

Speaker Bense in the Chair.

Yeas—108

Adams	Ambler	Arza	Barreiro
Allen	Anderson	Attkisson	Baxley
Altman	Antone	Ausley	Bean

Bense	Flores	Kottkamp	Rice
Benson	Gannon	Kravitz	Richardson
Berfield	Garcia	Kyle	Rivera
Bilirakis	Gardiner	Legg	Robaina
Bogdanoff	Gelber	Littlefield	Roberson
Bowen	Gibson, H.	Llorente	Rubio
Brandenburg	Glorioso	Lopez-Cantera	Russell
Brown	Goldstein	Machek	Ryan
Brummer	Goodlette	Mahon	Sands
Bullard	Grant	Mayfield	Sansom
Cannon	Greenstein	McInvale	Seiler
Carroll	Grimsley	Meadows	Simmons
Clarke	Harrell	Mealor	Slosberg
Coley	Hasner	Murzin	Smith
Cretul	Hays	Needelman	Sobel
Culp	Henriquez	Negron	Sorensen
Davis, D.	Holloway	Peterman	Stansel
Davis, M.	Homan	Pickens	Stargel
Dean	Hukill	Planas	Taylor
Detert	Jennings	Poppell	Traviesa
Domino	Johnson	Porth	Troutman
Evers	Jordan	Proctor	Waters
Farkas	Joyner	Quinones	Williams
Fields	Justice	Reagan	Zapata

Nays—5

Bucher	Gibson, A.	Vana
Cusack	Gottlieb	

Votes after roll call:
Yeas—Patterson

So the bill passed, as amended, and was immediately certified to the Senate.

On motion by Rep. Goodlette, consideration of **HB 7225** was temporarily postponed.

Remarks

The Speaker recognized Representatives Sobel and Slosberg, who each gave brief farewell remarks.

Motion to Adjourn

Rep. Rubio moved that the House adjourn for the purpose of receiving reports, holding council and committee meetings, and conducting other House business, to reconvene at 11:30 a.m., Monday, May 1, or upon call of the Chair. The motion was agreed to.

Messages from the Senate

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 41.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 85.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 317.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 329.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 599.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 789.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 825.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1319 CS.

Faye W. Blanton, Secretary

The above bill was ordered enrolled after engrossment.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1417.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7007.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7013.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7015.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7047.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

The Honorable Allan Bense, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7137.

Faye W. Blanton, Secretary

The above bill was ordered enrolled.

Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Ambler:

Yeas—April 27: 924

Rep. Anderson:

Yeas—April 27: 975

Rep. Evers:

Yeas—April 27: 972

Rep. Farkas:

Nays to Yeas—April 27: 914, 917

Rep. Harrell:

Yeas—April 27: 968

Rep. Johnson:

Yeas—March 23: 687; March 29: 695; April 20: 808; April 21: 814, 815, 823; April 25: 856

Nays—March 29: 696

Rep. Sorensen:

Nays—April 27: 916

Nays to Yeas—April 27: 930

Explanation of Vote for Sequence Number 703

Technology and processes paid for by the people belong to the people. A strong example of this philosophy is found with NASA. All processes and items discovered or invented by NASA during their process of pursuing and completing their mission is given a US patent. These patents are available for FREE TO THE PUBLIC MARKETPLACE for business and entrepreneurial use to develop commercially. It was paid for by the taxpayer and it belongs to the taxpayer, not just government. This has resulted in amazing spin-offs and technological advancement of our society.

Therefore, I voted NAY because I believe Florida taxpayers should own any advancements they pay for. We should not be allowed to hide items that are not directly tied to public security or private sensitive identification issues.

*Rep. Bob Allen
District 32*

Cosponsors

HB 19—Brandenburg

HB 37—Jordan

HB 61—Cusack

HB 65—Mahon, Roberson

HB 93—Jordan

HB 111—Jordan

HB 121—Slosberg

HB 133—Hukill

HB 141—Jordan

HB 211—Jordan

HB 241—Homan

HB 263—Arza

HB 275—Arza

HB 335—Jordan

HJR 353—Rubio

HB 373—Cretul

HJR 447—Arza

HB 449—Arza, Benson

HB 461—Cretul

HB 513—Arza, Patterson

HB 527—Sands

HB 585—Arza, Barreiro

HB 591—Brandenburg, Harrell

HJR 631—Cretul

HB 645—Adams, Arza, Bucher, Hasner, Joyner

HB 771—Altman

HB 839—Anderson

HB 857—Berfield

HB 873—Brummer, Gannon, Hasner, Richardson, Slosberg

HB 971—Slosberg

HB 989—Arza

HB 999—Homan

HB 1087—Baxley

HB 1129—Arza

HB 1153—Cretul

HB 1199—Bowen

HB 1237—Arza, Brandenburg

HB 1247—Bendross-Mindingall

HB 1269—Holloway

HB 1319—Bowen, Glorioso, Homan, Mahon, Poppell, Quinones, Ryan, Sands

HB 1347—Harrell, Stansel

HB 1363—Arza, Farkas, Poppell

HB 1365—Arza, Cusack

HB 1435—Anderson

HB 1527—Baxley, Traviesa, Troutman

HB 1619—Baxley, Brown, Jennings, Kyle, Stargel, Traviesa, Williams

HB 1629—Cretul

HJR 7037—Kottkamp, Murzin, Traviesa

HB 7103—Arza

HB 7109—Arza, Brandenburg

HB 7117—Allen, Harrell

HB 7121—Arza

HB 7131—Arza, Peterman

House Resolutions Adopted by Publication

At the request of Rep. Goldstein—

HR 9091—A resolution designating October 2006 as "Italian-American Month" in Florida.

WHEREAS, since the European discovery of the Americas by Christopher Columbus in 1492, Italians and individuals of Italian heritage have played prominent roles in the growth of the United States and in shaping its culture, and

WHEREAS, rare indeed is the school child who has not studied the exploits and explorations of Giovanni Caboto, better known as John Cabot, Giovanni da Verrazzano, and Amerigo Vespucci or been awed at the inventiveness of Guglielmo Marconi, but perhaps less familiar are names such as Enrico di Tonti, "the Father of Illinois" and the first European to sail the Great Lakes, and Francesco Vigo, believed to be the first Italian to become a United States citizen, who served as a spy in the American Revolution, and

WHEREAS, among Italian Americans in politics, William Paca became the first to serve as governor upon his election to that office in Maryland;

John Phinizy was the first to be mayor of an American city, Augusta, Georgia; Francis B. Spinola was first to serve in Congress; and Fiorello LaGuardia is well-known as a three-term mayor of New York City, and

WHEREAS, the arts, professions, education, and entertainment are represented by Italian Americans that include Gaetano Lanza, founder of the Massachusetts Institute of Technology; Joseph Barbera, the famous producer of the "Flintstones," "Tom and Jerry," and other cartoons; and Cincinnati Reds outfielder Buttercup Dickerson, born Lewis Pessano, the first to play in the Major Leagues, and

WHEREAS, pasta, long a staple in the American diet, made its way to the nation's dinner tables from Italy; pizza came to the inner cities of the United States courtesy of Italian immigrants; Domenico Ghirardelli perfected a method for making ground chocolate and produced chocolate by that name; and any possessor of a "sweet tooth" will forever be indebted to Italo Marcioni, who is popularly credited with the invention of the ice cream cone, and

WHEREAS, on October 12, 1866, out of pride for their native son, the Italian population of New York organized the first celebration of the discovery of America, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives recognizes the rich history and valuable contributions of those of Italian heritage and designates October 2006 as "Italian-American Month" in Florida.

—was read and adopted by publication pursuant to Rule 10.16.

At the request of Rep. Ryan—

HR 9123—A resolution recognizing the month of April 2006 as "Cancer Control Awareness Month" in Florida.

WHEREAS, during the course of a lifetime, cancer, the leading cause of death, will strike approximately one out of two men and one out of three women, accounting for one of every four deaths, but it has been determined that many cancers can be cured if detected early and treated promptly or can be prevented by lifestyle changes, and

WHEREAS, the American Cancer Society estimates that, during 2006, more than 98,960 new cases of cancer will be diagnosed in Florida alone and more than 39,930 Floridians will die from the disease, and

WHEREAS, 87 percent of all lung cancer deaths and 29 percent of all cancer deaths are attributable to cigarette smoking or other tobacco use, and as many as one-third of such deaths expected during this year may be associated with poor nutrition, physical inactivity, obesity, and other lifestyle factors and thus may have been prevented, and

WHEREAS, the 5-year survival rate for all cancers combined is 65 percent, but survival rates may increase significantly for certain cancers such as breast, cervical, and colorectal cancers if they are detected and treated early, and cancer incidence and death in Florida may be significantly reduced with increased awareness of and adherence to the American Cancer Society's cancer screening guidelines, and

WHEREAS, the observance of Cancer Control Awareness Month and the promotion of such statewide cancer-control initiatives as the American Cancer Society-sponsored Florida Dialogue on Cancer may be of significant benefit to the state and its residents in realizing a substantial reduction in this devastating disease, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives recognizes the month of April 2006 as "Cancer Control Awareness Month" in Florida and urges all Floridians to avail themselves of a better understanding of the risks associated with the incidence of cancer, to adopt behaviors that are likely to lessen these risks, and to increase the chances of early detection and cure by following the American Cancer Society's cancer screening guidelines.

—was read and adopted by publication pursuant to Rule 10.16.

Reports of Councils and Standing Committees

Received April 28:

The Education Council reported the following favorably:
HJR 1573 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

Enrolling Reports

HB 219 has been enrolled, signed by the required constitutional officers, and presented to the Governor on April 28, 2006.

John B. Phelps, Clerk

Excused

Rep. Bendross-Mindingall after 12:05 p.m.; Rep. Galvano after 12:22 p.m.; Reps. Kendrick, Kreegel, Ross

The following Conference Committee Managers were excused from time to time:

HB 5001 and related legislation (HB 5003, HB 5005, HB 5007, HB 5009, HB 5011, HB 5013, HB 5017, HB 5019, HB 5021, HB 5023, CS for SB 390,

CS for SB 394, CS for SB 398, CS for SB 818, CS for SB 840, CS for SB 844, CS for SB 846, CS for SB 848): At Large—Rep. Negron (Chair), Rep. Mahon (Vice Chair), and Reps. Gardiner, Waters, Goodlette, Rubio, Bowen, Brummer, Simmons, Greenstein, Jennings, Seiler, Ryan, Sansom, and Zapata; Agriculture & Environment—Rep. Mayfield (Chair), and Reps. Brown, Littlefield, Hays, Poppell, Machek, Stansel, Kendrick (Alternate), Williams, Evers, and Allen; Education—Rep. Pickens (Chair), and Reps. Rivera, Attkisson, Baxley, Flores, Altman, Arza, Stargel, Vana, Bendross-Mindingall, Richardson, Justice (Alternate), Patterson, Coley, and Mealor; Health Care—Rep. Bean (Chair), and Reps. Benson, Cannon, Farkas, Galvano, Garcia, Murzin, Gannon, Sobel, Grimsley (Alternate), Roberson (Alternate), Grant, and Hukill; Criminal Justice—Rep. Barreiro (Chair), and Reps. Adams, Ambler, Needelman, Joyner, and Porth; Judiciary—Rep. Kottkamp (Chair), and Reps. Ross (Alternate), Planas, Gelber, and Quinones; State Administration—Rep. Berfield (Chair), and Reps. Carroll, Kreegel, Reagan, Lopez-Cantera (Alternate), A. Gibson (Alternate), Taylor, and Holloway; Transportation & Economic Development—Rep. D. Davis (Chair), and Reps. M. Davis, Kravitz, Llorente, Traviesa, Ausley, Cusack, McInvale (Alternate), and Bogdanoff.

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 2:50 p.m., to reconvene at 11:30 a.m., Monday, May 1, or upon call of the Chair.